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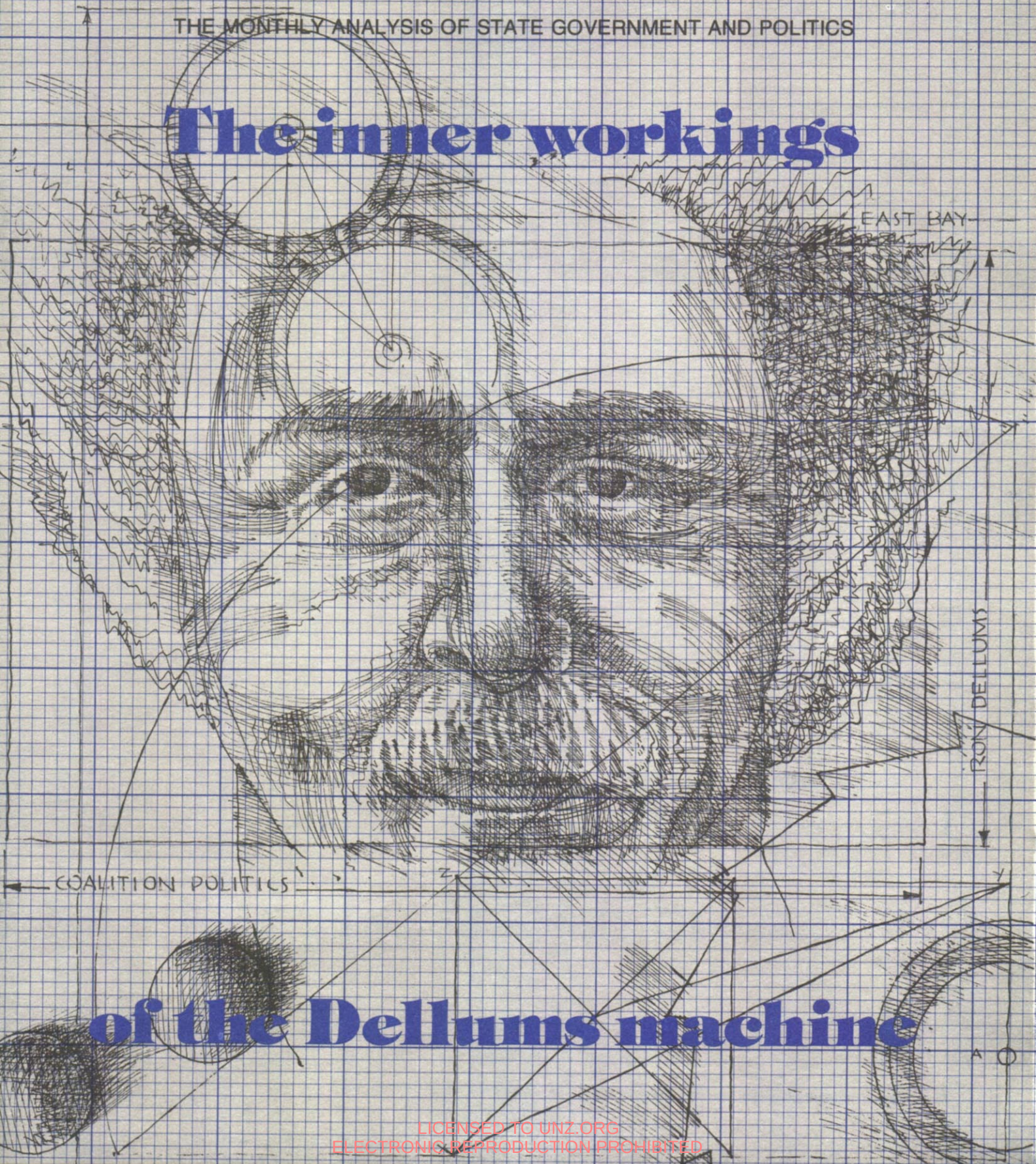
California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

The inner workings



of the Dellums machine

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Masters of the vague

During the 1974 California gubernatorial campaign, frustrated reporters covering Jerry Brown often asked: "But what are you going to do?" Two years have passed, and the Governor's critics now ask: "But what has he done?" As a candidate for president, Brown faced the same question: "What are you going to do?"

Brown at times has even conceded his employment of vague statements, yet his popularity remains extraordinarily high and he won every presidential primary he entered. He wasn't alone. Jimmy Carter hasn't exactly been the master of detail. Yet, nobody can quarrel with Carter's appeal.

Those of us who deal more with those who govern than those who are governed are often mesmerized by the expectation that programs and policies will flow from our leaders. In Sacramento, there is considerable disgust expressed for the public because it likes Jerry Brown. But the successes of Brown and Carter should tell us something: The public is sick of leaders who promise to do things and who offer solutions for everything. Skeptical citizens want governors and presidents who display independence from the usual political games and who aren't in a rush to propose bold new solutions to public problems.

The ordinary voter has seen enough of politicians who have slickly packaged solutions for everything. The public welcomes candidates who attack government and who admit they don't have easy answers. The trouble is that these anti-government politicians are often demagogues who take that tack only because it appears marketable.

The media keep pressing for hard positions from candidates on so-called issues. Reporters find it difficult to deal with a master of the vague like Jerry Brown. But what does a candidate's umpteen-point position paper tell us about how that politician would act if elected? Not much more than the soon-to-be-forgotten Democratic and Republican platforms tell us about the policies of the next president.

Candidates take positions for only one reason — to win votes. Is the candidate who comes up with a fabricated viewpoint more honest than a rival who dodges an issue? Reporters have no alternative but to seek out positions on issues, but that should be a secondary job in informing the public about a candidate.

The emphasis should be on the basic philosophical orientation and the courage of an individual's convictions before he or she started the campaign and, above all, on the candidate's character and personal ties. Does the candidate treat people decently, drink excessively, have good health, tell the truth, owe allegiance to any special-interest groups?

We ought to know by now that even when a candidate tells us specifically what he or she plans to to, all signals are often off once the votes are counted.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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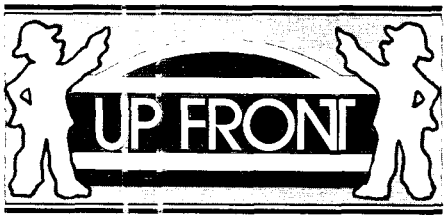

Gaffe of the year: Congressman Burt Talcott was speaking at a reception in Monterey County honoring first lady Betty Ford. "Today no one is more loved and respected in Washington than President Nixon," he said. (After lifting her jaw, Mrs. Ford accepted the Congressman's apology and commented, "Burt, don't let that worry you. We all make those slips.")

The California Teachers Association (CTA) appears to be waging a serious campaign to become part of the Democratic Party establishment in California. President Steve Edwards was a delegate to the Democratic convention and executive director Ralph Flynn an alternate. National Education Association (NEA) pins were seen in abundance. What will CTA-NEA do when the Republicans take charge in Sacramento?

Jack W. Bentley of Western View-Point Research, a polling organization, claims S. I. Hayakawa is running so far ahead of Senator John Tunney that the Republican should take at least 54 percent of the vote in November. Only something on the order of a major scandal could prevent Hayakawa from winning, according to Bentley.

Political writers at the *Los Angeles Times* will soon be playing musical typewriters. Howard Seelye, Orange County political writer, is being put to pasture and will write boondocks stories. Bud Lembke will move from San Francisco to Orange County, Bill Endicott from Sacramento to San Francisco and George Skelton from Los Angeles to Sacramento. All seem happy except Seelye.

Recent changes in California law to help independents qualify for the ballot could hurt Jimmy Carter's chances of carrying the state this November. Former Senator Eugene J. McCarthy will be running for president as an independent. He probably would not have been able to get his name on the California ballot but for the new law. A vote for McCarthy in most cases will be a vote lost by Carter.

CONTENTS

Democratic convention aftermath 255
By Ed Salzman
What Jimmy Carter has to fear from Reagan in 1976 — and Brown in 1980.

East Bay coalition politics 258
By John Jacobs
Dellums and his friends have put together all the makings of a new-style political machine.

The Governor's 1978 opponent? 263
By Otto Bos
San Diego's Pete Wilson takes on the unions and the environment — and maybe Jerry Brown.

Coastline conservation deadline 267
By Leah Cartabruno
Special interests want their sacred cows protected in the coastal bill. Which will be devoured?

Brown's welfare patchquilt 269
By Carey Quan Gelernter
Some new small programs have been sewn in but, otherwise, it is a covering of recycled Reaganism?

Welfare in the courts 271
By Barbara Gately and Gretchen Nicholson
Welfare-rights advocates sue while the Administration procrastinates to save precious budget dollars.

The disappearing surplus 275
By Ed Salzman
Ken Meade's dying swan act produced a pool of money for the state's schools.

Dilemma in the Delta 277
By Hal Rubin
Another environmental paradise is caught in a balancing act between man's needs and nature's.

Inhibiting the initiative 280
By Joe Dziublenski
The politicians are playing with the purest form of democracy left in our system.

Bringing parks to people 254
By Steve Johnson

The rising voice of the education consumer 266
By John C. Hoy and Melvin H. Bernstein

Caucus by Hügo 262
Capsules 274
Roll Call 282
Court decisions 284
Newsmakers 284
Lou Cannon 285

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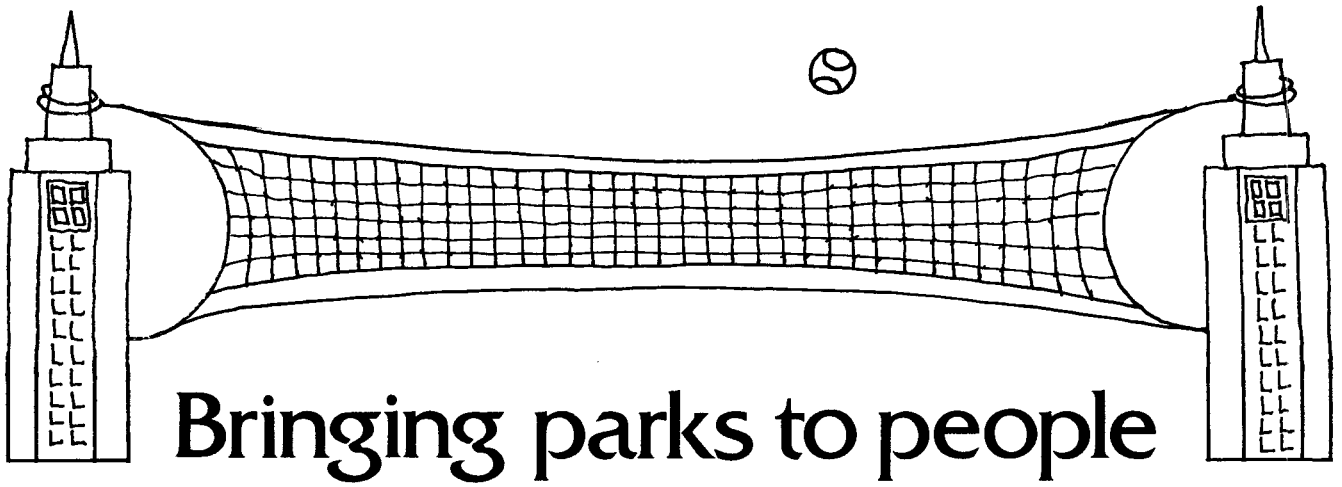

Bringing parks to people

By STEVE JOHNSON

Imagine playing tennis atop a water tower in central Los Angeles. Or using a handball court beneath an elevated freeway? Recreational activities like these could become a reality if the Brown Administration is successful in changing the emphasis of the state park program. The Legislature has approved a bill clearing the way for $75 million to be spent over a three-year period for a new urban park program. The problem now facing Herbert Rhodes, director of parks and recreation, is to come up with an acceptable plan to spend the money.

The state park system now covers 900,000 acres with 9,000 campsites, 6,000 picnic sites, 700 miles of riding and hiking trails and a variety of other facilities offering almost every form of outdoor recreation. The notable omission — urban parks and recreation. Since establishment of the park system in 1902, California has intentionally concentrated on the purchase and development of land far from centers of population. Parks have been designed as havens for harried urbanites who want to escape crowds and pollution. Roughing it California-style means parking a recreational vehicle in a numbered slot in a comfortable campground two or three hours away from home.

In the past, the state has not been involved in urban park development to any signficant degree, although local government has received some funds from the proceeds of state park bond issues. Now Rhodes and other resources-agency officials in the Brown Administration want to see the state shift emphasis from natural preserves to the development of city recreation programs and open space in metropolitan areas. Rhodes claims that only a small percentage of all Californians living in urban areas can take advantage of the present state park system because of the cost of traveling to remote park sites.

The author, a student at the University of California at Davis, prepared this article as a Journal *intern.*

Allocation process

Rhodes must go through a series of moves before the state money can actually start flowing to local government. With the funds included in the state budget, the department now must come up with a set of criteria for what will qualify for funding. This must be presented to the Legislature by November 30th. The Legislature is supposed to act on the criteria within 60 days. As soon as this action is taken, but not before, Rhodes can start parceling out the cash. This means that the first allocations will be made early next year, at best.

The enabling act (SB174-Roberti) specifies that the funds must be used for acquisition of land and development of facilities — not for ordinary recreational operations. The measure also makes it clear that funds will be distributed on a per capita basis to cities in urban areas. But what about areas like Porterville and Tulare County? The department will have to decide whether the needs are greatest in the city of Porterville or in Tulare County as a whole. The money is supposed to follow the greatest need.

The bill sailed through the Legislature in a relatively short time, but only after Legislative Analyst A. Alan Post questioned the ability of the department to spend all $25 million effectively during the next fiscal year. Post said considerable planning and lead time will be needed for the new program, followed by the processing of local applications. He suggested that the appropriation be cut in half ($12.5 million) for what is in effect a six-month program.

The key issue in the administration of the new program will be how much control the state will exercise over how local park and recreation organizations use the money. Rhodes recognized this problem in a speech before the California Park and Recreation Society, calling for a joining of forces to overcome "petty local jealousies, bureaucratic overlap and outmoded planning." Rhodes also will have the problem of shifting gears within his department, which has been oriented toward the traditional type of park program.

Although $25 million a year might sound like a great deal of money for support of recreation programs, that sum could vanish overnight if it were spent primarily for the purchase of expensive park-site land in the centers of our large cities. It would be more realistic to think that the funds will be spent for a variety of mini-parks or for recreational facilities requiring little or no land purchases. One sure thing: no money can be allocated to recreational programs unless they involve some type of land acquisition or facility development. Many programs involve only personnel salaries and other operational expenses. Money for these activity programs will have to come from other sources, not from the Roberti bill appropriation.

The new program is designed to provide an impetus for the development of home-town recreational resources and induce city dwellers to stay home during holiday periods instead of burning gasoline on long drives. Meanwhile, no one is suggesting that the Department of Parks and Recreation shut down any of its campsites in its 900,000 acres of traditional parkland.

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Photos by Dennis R. Warren

BROWN v. CARTER IN 1980?

The Reagan factor at the Democratic convention

By Ed Salzman

The man who wasn't even there — Ronald Reagan — weighed heavily on the minds of California delegates to the Democratic National Convention. Most of the political pros within the delegation felt that what happens in Kansas City this month — and not what didn't happen in New York — will determine the outcome of the presidential election in this state (and thus perhaps in the nation) this November.

The thinking:

○ *The Jimmy Carter - Walter Mondale ticket will be unbeatable in California if Reagan is left off the Republican slate. That is because Carter has special appeal to farm-area Democrats who normally vote Republican. Loyal liberal Democrats are taken for granted.*

○ *Carter will probably write off California if Reagan should manage a come-from-behind victory over President Ford at Kansas City August 18th. Private Democratic polls show that Reagan more than neutralizes any pro-Carter feelings in the swing areas.*

○ *Should the Republicans come up with a Ford - Reagan ticket – and most of the Democratic delegates were betting on it – California is apt to be a prime national battleground this fall. Contrary to what the national press has been saying, Californians recognize Reagan's campaigning ability and feel he would definitely be an asset to the GOP campaign.*

Jimmy Carter has a long way to go in California. He lost 59-21 percent to Jerry Brown in the June primary, partly because he did not go all out in the campaign here. California has notoriously weak Democratic party organization, and Carter won't be able to spend a great deal of money building one because he must conserve the $25 million or so he will receive from the federal government for media advertising. To a large degree, his success in California may depend on how much cooperation he receives from the state's number-one Democrat, Governor Brown.

The relationship between Carter and Brown was the most fascinating aspect of the New York convention — far more interesting than the suspense over the selection of a vice-presidential nominee. It is clear that Carter detests Brown and fears that the Californian will become his Ronald Reagan of 1980, mounting a popular challenge to an incumbent president.

Brown-Carter key

From a California standpoint, the entire convention can be charted in terms of the Brown - Carter relationship. The delegates arrived on Saturday, July 10th, and encamped in the comfortable New York Hilton (20 blocks from Madison Square Garden) while Brown established his base at the miserable McAlpin Hotel a couple of blocks from the Garden.

At the first delegation caucus on Sunday, chairman Leo McCarthy recognized the reality that the Brown candidacy was an exercise in ego (or perhaps an investment for the future) and made a sincere call for unity. Assembly Speaker McCarthy is a team player, and he said he was doing every-

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thing he could to work closely with the Carter camp "and make sure there is total harmony." But Los Angeles City Councilman David Cunningham, leader of the Carter delegates, made it clear that everything was cool with McCarthy but not with Brown and company over at the McAlpin. Carter wanted Brown to withdraw and make a dull convention even duller.

The next day, Brown made his appearance before the delegation and 1,000 others from throughout the country who find the Governor a fascinating political animal. The crowd itself was fascinating: One element clapped enthusiastically and rhythmically for Brown. Others rose out of curiosity but displayed no emotion. Still others frowned. (The media, the biggest single element at the convention, studied the rest of the audience.) Except for the diehards, most of the Californians were hoping Brown would be gracious, concede to Carter, make a genuine show of cooperation as Morris Udall had done, and make it clear that there would be a united effort to elect Democrats in California this year.

McCarthy introduced Brown as "an extraordinary young man for whom we have great affection." None of the 280 delegates and 120 alternates would disagree that Brown is extraordinary. He proved it by giving his standard "era of limits" speech and by making no mention whatever of the man who was about to be nominated, Jimmy Carter. He made it clear that he would keep trying to round up votes until the roll call.

Brown's name was placed in nomination the next night by Cesar Chavez who delivered one of the least inspiring speeches of his career. Congresswoman Yvonne Brathwaite Burke gave a first-class seconding speech, followed by Governor Edwin Edwards of Louisiana (the only other major party pooper at the convention). The pairing of Chavez and Edwards was incredible — the symbol of the downtrodden worker's fight for economic justice and a governor who had just signed a right-to-work law. Fortunately for Brown, Edwards' speech was not shown by the networks to the voters back home in California.

Roll-call surprise

The roll call must have been a disappointment to Brown — Carter, 2238.5; Udall, 329.5; Brown, 300.5. Brown had said all along that he recognized the arithmetic, but insofar as his total was concerned, there was too much subtraction and not enough addition. During the day of balloting, Wednesday the 14th, there was a mini-drama taking place. Brown wanted to be able to mount the podium at the dramatic moment and call for the nomination of Carter by acclamation. The Carter camp wanted Brown to get as little exposure as possible. They didn't want him getting any publicity that could help him in 1980.

California Senator Alan Cranston worked out a compromise which allowed Brown to go onto the floor and make the announcement seen across the land — that the Brown votes were switching to Carter. Brown did not make any speech because the compromise specified what he could and could not say.

The next day, Carter appeared before the California delegation after selecting the generally popular Mondale as his running mate. In introducing Carter, Brown declared that he had "never seen so much unity in the Democratic Party — and we might not see it again either." Carter might not have found that humorous. Then Brown discussed his campaign and joked that his relationship with the Legislature had improved while he was campaigning out of state. In sum, he said nothing good (or bad) about Carter and talked mostly about himself.

Carter responded without displaying any animosity toward Brown: "I want to thank the people of California for keeping Jerry Brown home so long. I hate to think what would have happened had he been unleashed in New Hampshire instead of Maryland. He's a formidable man and a formidable opponent. He's going to be a formidable ally." But it was obvious through interviews with key Carterites that the Presidential nominee does not expect Brown to be a willing ally.

Geared for 1980?

Even after Brown appeared with Carter on the rostrum following the acceptance speeches on Thursday night, the Governor was making the kind of statement that would upset Carter, even if in jest. "When are you leaving?" Brown was asked. The reply: "Tomorrow, I don't know . . . Maybe I'll just go right up to New Hampshire."

Brown was in New York to build for a future presidential campaign, and he was open about it. For Californians, a key question is what effect Brown's conduct at the convention will have on the state should Carter be elected President. And what good or harm did Brown do himself by hanging tough until the end?

Brown can help the state's reputation with Carter by going all out for the ticket in November and by allaying Carter's 1980 fears. The way the state votes in November will probably have more impact on Carter than the way Brown acts. Insofar as Brown is concerned, his next politi-

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cal job is preparing for the 1978 reelection campaign, perhaps against Mayor Pete Wilson of San Diego. The Governor's popularity might have been hurt during convention week, but he was flying so high in the polls some erosion wouldn't hurt too much.

There were a variety of views on Brown's conduct. Cunningham said the Governor prevented Mayor Tom Bradley of Los Angeles from getting realistic consideration as Carter's running mate. Carter delegate Dorman Commons: "He's not hurting Carter. He's just hurting himself." Congressman Phil Burton: "Let Jerry do his thing." Senate President pro Tempore James Mills: "It could mean the animosity of probably the next President of the United States." Pat Brown: "Carter needs Jerry more than Jerry needs him."

The elder Brown's observation is interesting because it prompts the question of why Carter didn't make an effort to win Brown over and get his support before the convention even started. Carter may well need California's electoral votes in November, and he has more to gain from an alliance than does Brown.

Assemblyman Bill Lockyer, who may become a key figure in the Carter campaign within the state, said Brown faces a dilemma because he has to hope Carter loses this year so he can have a clean shot at the presidency in 1980. But if Brown looks like he's sabotaging the nominee, the party will react negatively to a future Brown bid. Brown insisted that there was no bad blood between himself and Carter and that it "emanated from the lower echelons." That's the same line Mervyn Dymally has been using for years during his war with Tom Bradley.

For Californians at least, Brown put a little life into a moribund convention. This was a gathering of the valium generation, with dissent stifled for the alleged good of the party. What ever happened to the flaming Northern liberals and fiery Southern conservatives of the Party? The answer is simple: With the nominee pre-selected, the party put victory ahead of principle this year. As Assemblyman Larry Kapiloff put it, "We've had our share of excitement and where the hell has it gotten us? I want somebody who can do something once he gets power." The convention was both Carterized and cauterized.

For Brown, the trip to New York looks like a loser on the surface. He was a common topic of conversation in the media lounge hosted by the nation's railroads, and it is obvious that he is detested by the national press. The next time he runs for president, the Eastern poison pen gang will try to cut him down. Brown's unorthodox approach didn't win any new friends in New York. But over the years, every time it has appeared that Brown was making a major political miscalculation, he has invariably turned out right. Will he now calculate that his future calls for genuine assistance to Carter or will he sit back and hope, as suggested by Lockyer, that Ford wins in November?

New York Notebook

The lack of enthusiasm for United States Senator John Tunney was evident within the California delegation. There was resentment about Tunney's failure to attend one delegation meeting, and he drew scattered boos when introduced on the last day of the convention. Tom Hayden, the man Tunney defeated, was much more evident (and much more popular) at the convention.

On the other hand, Senator Alan Cranston continues to broaden his base both in California and nationally. He was even spotted climbing into the far corners of Madison Square Garden to greet some constituents.

Lieutenant Governor Mervyn Dymally, who wasn't even there, was a big loser in New York. His dream of ascending to the governorship evaporated when Jerry Brown came home empty handed, and Congressman Andrew Young of Georgia achieved recognition as the top Black spokesman in the country.

Congressman Ron Dellums of Berkeley went ahead with his plan to be nominated for vice-president so he could address the convention (more correctly, the television audience). This was generally viewed as an ego trip, especially after Congresswoman Barbara Jordan had electrified the audience with her keynote address. If the convention was going to consider a Black for vice president, it would have been Jordan (who might have won had Carter opened the choice to the convention).

Members of the California press felt guilty because there was so little work to do . . . . Assemblyman Charles Warren has been preparing environmental statements for Jimmy Carter . . . . Women's clothing manufacturer Adolph Schuman of San Francisco formed the "Green Caucus," composed of the handful of millionaires in the delegation.

The fanciest party was thrown by a Republican, Don Livingston, former Reagan Administration official and now corporate secretary for Carter Hawley Hale stores. He hosted about 300 Californians on behalf of his firm aboard the Mon Lei, a 121-year-old Chinese junk docked at the East River. Livingston joked that he was attending as an appointee of Jerry Brown (to the Little Hoover Commission) . . . . Peter Kaye, press secretary for the President Ford campaign, was also on hand to keep contact with political writers . . . . Woman to watch: Linda Shepherd, an aide to Assemblyman Bill Lockyer and head of the Black caucus within the delegation. The Carter organization thinks highly of her.

Marc Poche, one of Brown's top hands, found a way to keep himself amused. He watched the television broadcasters during the playing of the national anthem. His report: "Walter Cronkite stands at attention ramrod straight like a Marine colonel. Chancellor and Brinkley stand up and talk. The guys at ABC remain seated, smoking and drinking." E.S.

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CALIFORNIA'S 'GARMENT DISTRICT'

The coalition politics of Dellums' East Bay machine

By JOHN JACOBS

Call it a machine or call it coalition politics, the left-wing of the Democratic party in the East Bay across the bridge from San Francisco is not only alive, but kicking quite vigorously these days. Assemblyman Bill Lockyer of San Leandro calls the region "the Democrats' garment district of California."

Berkeley, in particular, has long had a reputation for liberal voting patterns. Yet the election of such "progressive" politicians as Ron Dellums to Congress and Ken Meade to the state Assembly in 1970 marked the beginning of a successful pattern of electing candidates in that mold.

The East Bay electoral left shies away from the term "radical," perhaps out of fear of association with underground or terrorist groups whose politics do not resemble their own. They prefer "progressive," which Dellums, a nationally known Black spokesman, defines as "the degree to which one advocates change, and I advocate extraordinary change, serious, fundamental, institutional change."

Meade, best known for his rebel stands in the Assembly, announced a year and a half ago that he would not seek reelection. A combination of personal changes, disillusionment with politics and an intransigent refusal to mend fences with Leo McCarthy after Meade supported Willie Brown in the 1974 acrimonious battle over the Speakership, prompted Meade's decision to leave the Legislature.

Successor for uneasy Meade

Meade's successor for the 12th Assembly seat almost surely will be Tom Bates, Meade's campaign manager in 1968 and 1970 and his administrative assistant for a time. Bates is now an Alameda County Supervisor. He overwhelmed his opponents in the recent primary, taking close to 60 percent of the votes and defeating his closest rival by an almost four-to-one margin.

With the June results now in, the Dellums organization has every reason to be flexing its muscles. Since 1970, it has endorsed slates of candidates for the Berkeley City Council as well as school board, Assembly and supervisorial candidates and local ballot initiatives.

This year the organization backed Assemblyman John Miller, one of the most powerful Blacks in the Legislature, in what was expected to be a tough primary fight with Berkeley Mayor Warren Widener. Miller trounced his one-time aide, Widener, 28,438 votes to 10,191, putting Widener's political future in limbo. Widener had wanted to use the Assembly seat as a springboard to later challenge Dellums for his Congressional seat.

Widener is a young Black officeholder who first ran for

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mayor of Berkeley in 1971 with the blessing of the April Coalition, a liberal-radical group who helped put three progressives on the city council and Widener in the mayor's office. Soon after, Widener turned his back on the group and voted with the more conservative council majority.

Widener's story

When Widener ran for reelection in 1975 he was challenged by Ying Lee Kelley, a progressive Asian woman, backed by Dellums and Berkeley Citizens Action, successor to the April Coalition. In an astonishing turnaround, and with the exception of the Black areas, Widener carried only a tiny fraction of the precincts that went for him in 1971. He still won, however, but by only 700 votes.

In the race to succeed Bates on the Alameda County Board of Supervisors, Dellums and Bates backed John George, a liberal Black attorney from Oakland. He narrowly defeated Berkeley City Councilmembers William Rumford Jr., a conservative Democrat, and Sue Hone, the popular vice-mayor. George will face Rumford again in the November runoff.

Even on local ballot measures, the Dellums influence was strong. Two initiatives to return power over an industrial park to the city council and allow residential housing there won handily. Much more controversial was an initiative to get rid of Berkeley's celebrated traffic diverters, which are a symbol of the increasing political potency of neighborhood organizations in the area.

The traffic diverters were installed by the city to discourage the use of private cars and keep them out of residential areas. Yet so many citizens were outraged by the inconvenience of having to drive around them and by the increase in traffic diverted to larger streets (many of which are residential), that in two weeks over 11,000 voters signed a petition to remove them. Most of the candidates backed by Dellums were against the anti-diverter initiative. It was generally assumed the initiative would win or would be too close to call.

To the chagrin of his advisors and friends, Dellums refused to take a position on the initiative. To the general public, that was one of the better kept secrets of the campaign. Most people assumed Dellums opposed the initiative and it lost by a three-to-two margin.

Most political observers trace the beginning of the story to the Robert Scheer campaign in 1966 to unseat Congressman Jeffery Cohelan, an established liberal Democrat who failed to see his constituents turning against the Viet-Nam war. With the help of activists from the Berkeley campus (soon after the Free Speech Movement there), Scheer, a radical journalist, mounted an aggressive though unsuccessful campaign. He took 46 percent of the vote, however, showing that Cohelan could be had and that an electorally based left-wing movement had potential. John George tried and came close in 1968, but stepped aside in 1970 for the more articulate and dynamic Dellums who soundly defeated Cohelan in the primary — the real fight — and went on to win the general election.

Meade and Bates combination

In 1968, Ken Meade, a 28-year-old attorney "languishing in PI (personal-injury) work in Oakland," and a former quarterback on the last UC Berkeley Rose Bowl team, decided to run for the Assembly. He and Tom Bates, his friend and former teammate, went up to Sacramento to check out the possibilities. They returned with $10,000 from then-Unruh-lieutenant Bob Moretti. Meade won the primary and made a surprisingly strong showing against longtime Republican incumbent Don Mulford.

Meade ran again in 1970, when a Democratic victory meant control of the Legislature, just in time for reapportionment. This time, Moretti, who had a good shot at the Speakership, gave Meade $20,000, most of which went into a massive voter registration drive. Moretti called it "the best registration drive I've ever seen."

Between the 1968 and 1970 election, Meade and Bates and their volunteer workers registered close to 15,000 new Democratic voters, many of them from the University community. They had wanted to bring their edge in registration up to over 57 percent. They did. "Mulford went through the roof," according to Meade.

One of their approaches was to use "wild-haired, radical-looking Berkeley types" as registrars who would be sure to attract the kind of voters they wanted and discourage Republicans or conservative Democrats from registering. That plus a sophisticated telephone voter survey, eleven mailings and an enormous get-out-the-vote effort (1400 volunteers showing up in the rain), put Meade on top.

Reagan had done badly in that district when he ran for Governor in 1966, so Meade concentrated on asking the newly registered constituency whether they wanted a top Reagan supporter — Mulford — representing them in Sacramento.

Meade also tells the story that at the end of the '68 campaign, Mulford smeared him by circulating false evidence of Meade "endorsing" the presence of Eldridge Cleaver as a teacher on the Berkeley campus. So, Meade did some research on Mulford.

As Meade puts it: "We had discovered that Mulford — the savior of the taxpayer — had conned the Welfare Department into giving his mother old-age assistance while she was living in (affluent) Piedmont. I thought this was a little too personal. Then the Cleaver thing came out, so the next time around we let it be known we knew this and didn't want a repetition. They actually let Bates go to their headquarters and inspect every piece of literature they planned to send out." Somehow, the story did get out.

Taking on Cohelan

While Meade was running unopposed in his primary, Dellums was fighting it out with Cohelan. On the day of the primary, Meade decided to walk precincts for Dellums and, according to Bates, "that became the bond." In November, they put together the first coalition slate, a combined get-out-the-vote drive for Unruh, Tunney, Dellums and Meade.

The district in which Dellums was running was 29 percent Black and 39 percent non-white. Obviously, he had to broaden his base, and the VietNam war was a perfect vehicle. Says Dellums: "The war was very important. It was another constituency and it energized a lot of people. That was their self-interest — to have a candidate articulate their concerns about the war, foreign policy and the defense budget."

Assemblyman Bill Lockyer was then chairman of the Alameda County Democratic Central Committee. He agrees. "There were two dimensions," he says, "ethnic and ideological. With an incumbent Democrat defending the war in VietNam and ethnic politics adding to that, Dellums was able to put it all together."

Add another ingredient to this already complicated mix: an observation from Joe Close, Meade's administrative assistant and a veteran East Bay political analyst. He attributes the changeover from a conventional liberal structure to a new, more ideological political apparatus to the demise of the liberal California Democratic Council (CDC).

The Berkeley-Oakland assembly district had been one of the largest, most liberal CDC districts in the state. But with the recall of CDC president Simon Casady in 1967 for his outspoken criticism of the war and of Lyndon Johnson (to

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the embarrassment of the party establishment including Pat Brown and Alan Cranston, who put Casady there), the CDC ended in that district and a vacuum was created. According to Close: "Both Ken and Ron moved into a district used to volunteer politics. The vehicle through which the volunteers had worked (CDC) was decimated — all these volunteers and nothing to do."

Machine by any name

This kind of power is not taken lightly. It has given rise to charges of a "machine." Most people in the organization strenuously object to such a characterization. Given the weak role of the party in California since the reform days of Hiram Johnson, they say there is no way they could exercise the kind of discipline or system of rewards and punishments associated with a Chicago, Maryland or New Jersey political machine. They have neither the patronage to offer nor the clout to fix someone's sidewalk nor get extra foodstamps; no one's ability to make a living is dependent on the number of votes he can produce. Nor can they always agree among themselves which candidates to endorse.

Yet the organization does endorse primary candidates — one mark of a machine — and has a tremendous influence in the community. It runs slates of candidates in the primary as well as general election, and can deliver sizable numbers of votes. In the recent election, one sign posted all over Berkeley simply read: "Vote Democratic: Dellums - Bates - Miller - George." These candidates also have strong labor backing and consistently raise more money than their opponents.

Dellums prefers to call it "coalition politics," a coming together of Blacks, Chicanos, Asians, students and other left liberals, and categorically rejects the idea of a machine. He says the choice to endorse candidates is based on an "ideological perspective" and those who "come close to our view of what is necessary for progressive politics. It's a philosophical frame of reference that holds us together," Dellums says, "not old politics. Our payoff is to end the VietNam war, not get someone a job."

Bates agrees, though he is not "hung up" about calling it a machine. For him, it is "people coming together to make good government — there are no payoffs or kickbacks. We've really shared power in the East Bay. It's been a group, not a Dellums or a Meade or a Bates playing kingmaker."

Bates' true colors

On the other hand, someone who told then-Speaker Moretti he wanted the power to appoint all the judges in Alameda County, as Bates reportedly did, isn't in it only for the glory. (Nor can you be entirely sure about a man whose eight-year old son playfully tugs on your sleeve and says, "Don't trust this man.")

"I'm very close to Bates and was his largest contributor," Lockyer says. "He's kind of a naïve player. It's typical of him to be romantic and perhaps exciting for him to think of it as a machine." (Lockyer, incidentally, was involved in eight or nine assembly races throughout the state, and clearly is not limiting his ambitions to the "garment district.")

Where this is all going is not entirely clear, though it seems apparent that the local elections in Berkeley and Oakland in 1977 will be the next battleground. Oakland, despite a Black population of 34.5 percent in 1970 and a three-to-one edge in Democratic registration, has never elected a Black mayor. Its present mayor, John Reading, is a conservative, white Republican. Nor are its city council members cut from the same cloth as a Dellums, a Bates or a Ying Lee Kelley. Dellums would like to see Lionel Wilson, a liberal Black Superior Court judge in Alameda County, run for mayor and says he would actively campaign for him.

Where to next?

While they make inroads into Oakland and may even elect Wilson mayor, Dellums and his organization/machine could have a tougher time in Berkeley. There, an uneasy coalition of moderate Democrats and conservative Republicans combine forces to fend off the progressives. So far, they at least have succeeded in retaining majority control of the council. Whether the Dellums minority can become the majority will be a testimony of sorts of how far the coalition has come since 1970 and how deep their power extends.

The most ambitious one of them all is Bates, who would like to use his Berkeley base to "set the tone for progressive candidates like Tom Hayden to build on and grow." He says he would like to be part of building a state-wide movement based on issues.

San Francisco's Willie Brown assesses Bates this way: "He'll be a real thorn in the side of people up here. He's a real organizer, more so than Lockyer, and I think he'll be more productive. From the day he arrives, he'll be interested in some leadership role, and he won't sleep till he gets it. It will be interesting to watch him move."

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A REBEL SUNSET - KEN MEADE

What does a man "with an almost cheerleader-like enchantment with the Legislature" have in common with someone who has openly flouted its conventions and is so disenchanted with politics and the fact that "nothing ever gets done here" that he can't wait to leave?

Both these conflicting sentiments are two sides — six years apart — of the same man, Berkeley Assemblyman Ken Meade. As San Francisco's Willie Brown tells it, "The transition I observed was from the white buck-wearing college hero when he first got elected to a consciousness-raising, very principled elected official who couldn't accept any of the conventional rules as his guidepost."

It's more complicated than that, but then Meade is a complicated man. Of medium height and build with dark, curly hair and a Groucho Marx-like stride, the 37-year old Meade is better known for his rebelliousness than his legislative record. He refused to wear a tie when no one else dared. He allowed his ex-wife to drive their children to Kansas in a state-leased car — which he insists did not violate any rules — and was punched by Assemblyman Lou Papan of San Mateo, a former FBI agent, after Meade threw coffee in his face during a committee hearing.

The crucial turning point seems to be the bitter struggle between Leo McCarthy and Willie Brown to succeed Bob Moretti as Speaker. Meade endorsed Brown and stuck with him while others "cut their deals with Leo."

Meade's refusal to play the penitent son to McCarthy has left him without effectiveness (except for the recent budget alliance with the Republicans). Most of his bills die in committee. He does have an unusual perspective, however — watching those who have and use power, while he has none. He is deeply disillusioned, and extremely critical of McCarthy. What his attitudes might be now if Brown were Speaker is anyone's guess.

Says Meade, "McCarthy had to buy the Speakership and gave everything away. That's why this place is languishing. The new Speakership was put together on a shoestring, and he can't do anything to offend people."

Meade's criticisms of McCarthy extend to the Legislature. Government, he says, should protect people from "vast economic enterprises. We're a combination of capitalism and socialism, where you capitalize the profits and socialize the losses." Instead of protecting people, Meade says politicians are removed from their constituents, while the electoral base narrows and the special interests benefit.

"Power is attractive," he says, "and people run for the purpose of having power over people. I was into that. The problem is that it's elusive. You keep saying, 'I'd like to do this or that, get to the Legislature. Then, I want to be chairman of that committee. Then, I want to be Speaker, so I won't say what I really want to say.' It's endless. That's what I feel is so repulsive about what McCarthy's into. Power used properly involves a lot of risk-taking, which is impossible for someone whose main interest is maintaining the power he has."

Meade's bitterness and disaffection from politics parallel the feelings of his constituency, he says, and therefore make him uniquely representative of his district.

Other legislators are put off, however. Assemblyman Bill Lockyer says, "No district has a monopoly on alienation," and adds that, though what Meade is saying is basic and important, "He's become a professional victim. Everything happening in the universe is personally hostile to Ken Meade. He doesn't accept responsibility for what he brings to a situation and talks like he's the only principled, thoughtful guy in government. It's kind of annoying."

Assemblyman John Vasconcellos, like Lockyer, admires Meade's talents and principles. He puts it more gently. "It's almost like he thought elected office was magic and then discovered it wasn't and couldn't live with that reality." Vasconcellos says his voting record is almost identical to Meade's, but he has been able to work with other legislators where Meade hasn't. He also says it is not true that nothing gets done.

"A lot of things Ken likes didn't get done, but a lot of things he wanted did. He's really bright and cares a lot, but he isn't able to maintain himself or see very clearly the progress that is being made here."

Whatever his critics and supporters say, Ken Meade's exit from politics will be a welcome relief to him. He says he has learned that he is a private person and that it was impossible to be private in such a public place. After leaving Sacramento, he plans to teach and write about his experiences in politics.

J.J.

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Caucus

by Hü Go

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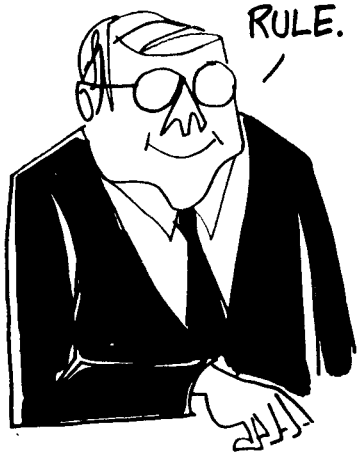

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CHOIR-BOY COATING OVER PURE STEEL

Pete Wilson of San Diego – Brown's opponent in 1978?

By Otto Bos

There are no "Pete Wilson for Governor" bumperstickers. Not yet anyway. But the 42-year-old San Diego mayor is admittedly "testing the water" for a run at the state house.

In a state where the Republican party is rapidly running out of new stars, the Wilson name has begun to stand out as part of the progressive new-breed wing of the GOP. In California's Democrat-dominated political structure, Wilson successfully reaches across party lines on such issues as growth, environment, taxes and public employees.

A return ticket to Sacramento would be viewed as a triumph of sorts for Wilson who, in 1971, left political insiders shaking their heads in disbelief. He opted to give up a promising four-year Assembly career from a safe Republican district to take over a bewildering San Diego city hall where city administrators were accustomed to telling the non-partisan elected officeholders how to run the city.

In Sacramento, Wilson had the distinction of being the first freshman named whip of the Assembly's GOP caucus. Other honors followed. But Wilson gained even more attention during his initial four years in San Diego's driver seat, drawing national interest for some of his policies, particularly the checking of suburban sprawl.

Wilson as city administrator

Wilson proved he could take tight reins over a city while it mushroomed into the second largest in size in California. Wilson is the lone Republican mayor in a top-10 U.S. city (San Diego now ranks as ninth largest city in the country). The Republican Administration has turned to Wilson for urban advice. He's built a reputation of being an efficiency-up, taxes-down city administrator at a time when most other cities are baffled by all kinds of problems — insufficient money, transportation woes, employee strikes and other ills.

While curbing sprawl by requiring developers to pay for public facilities, Wilson laid the groundwork for a massive downtown redevelopment project. He encourages cities to be tight-fisted while urging more federal revenue sharing. He also advocates state revenue sharing without bureaucratic strings.

Perhaps recalling the role of the Legislature's A. Alan Post, Wilson successfully set up an independent legislative analyst position at city hall. He is disenchanted with the shotgun approach to social programs with high administrative overhead. He convinced the city to pour the bulk of its human care services money into one program — a senior citizens meals program — to save on overhead.

Forging his limited powers as mayor into a top executive role, Wilson clearly intends to bring the same kind of action to the governorship. However, in San Diego, he was unable to convince the electorate of the virtues of adopting a strong-mayor system. The proposed power shift from the city manager system now used in San Diego was overwhelmingly rejected at the polls, a major defeat for Wilson who put his political prestige on the line for the change.

Committee system for council

He later convinced the city council to adopt a committee system patterned after the Legislature, placing himself in a key rules committee post and freeing his office for a more executive role. In recent months, Wilson has emphasized he prefers the administrative over the legislative end of the business. "I would say clearly that I'm interested in government and politics, and would consider a run for governor or U.S. senator as my next move," he said. "I think I'd prefer the governorship; I like to make things happen and there are more opportunities to do that as governor than as one of 100 in the Senate."

Wilson, an attorney, is still riding a smashing primary victory last fall over a heavily-financed, pro-growth city councilman-cement contractor who has been identified with the Reagan wing of the party. A 61.7 percent vote of confidence made a runoff campaign unneeded in a race Wilson had called a referendum on his policies.

Since starting his second term, Wilson has been traveling around the state and the nation gaining exposure, making speeches and meeting people who could be helpful in future campaigns. Being the president of the League of California

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Cities has not hurt. Party leaders, who have only the dated names like Evelle Younger, Houston Flournoy and Robert Finch to play with, were quick to seize the opportunity to tout the new, fresh-scrubbed face. President Ford, who personally intervened at Wilson's request to stop a federal prison project scheduled for San Diego, called with a personal note of election congratulations.

Wilson for Ford

Wilson returned the favor by becoming Ford's Southern California chairman and hitting the campaign trail for the President in New Hampshire and Florida, much to the chagrin of Reagan worshippers in San Diego. GOP state chairman Paul Haerle, observing Wilson's relationship with Ford and his years of gathering political IOU's, commented that, from now on, Wilson must be considered a major factor within the party.

On Ford's primary swing through San Diego, he conveniently added Wilson to his long list of vice presidential eligibles. Important San Diego connections for Wilson are Leon Parma, a member of Ford's kitchen cabinet, and Richard Silberman, active in Governor Brown's presidential try. Sometime GOP election financier David Packard also is rumored to be keenly interested in Wilson's political future.

Long identified with the moderate wing of the Republican party, Wilson has a history of backing fellow middle-of-the-roaders. He supported Finch's U.S. Senate bid, and is still puzzled about S. I. Hayakawa's lopsided victory. The Finch connection is long established. Wilson met his wife Betty at a Finch fund-raising dinner during Finch's campaign for lieutenant governor in 1966. The couple's marriage took place in the Finch home in 1968.

More than anything else, Wilson's reelection clearly demonstrates that championing tough controls against suburban sprawl and opposing public employee unions' power-seeking are sure-fire vote getters. Wilson, who had seen the Legislature kill his plans for a coastal protection act before the voters took the matter into their own hands with Proposition 20 in 1972, was able to convince the electorate in San Diego that the sound environment resulting from the check on sprawl would be healthy for the taxpayers' pocketbooks.

Anti-sprawl measures

Mira Mesa is a textbook example of the suburban sprawl problem. Stretching across 10,700 acres of open brushland in northern San Diego, Mira Mesa's tract homes held 18,000 settlers by 1971. A single road linked the community to freeways and the downtown area about 20 miles away. There were no schools, one food market, and two gasoline stations. There was little police and fire protection.

Among his first acts, Wilson threatened a moratorium on building permits for additional homes at Mira Mesa. He pushed through stringent new zoning standards. He demanded — and got — public facilities built before housewives could hit the picket lines demanding such things as schools. He helped reverse a city council decision on a $30 million flood control channel that would have eliminated 5,100 acres of rich marshlands which in all likelihood would have created a Mira Mesa-South near the Mexican border.

Wilson was applauded by inner city residents unhappy about paying for San Diego's newcomers. Ironically, he also gained a big following among the new suburbanites who proved to be just as interested in environmental causes. All seemingly agree with Wilson's reasoning that San Diego must not become another Los Angeles.

Another major factor working in Wilson's favor is the backlash to public-worker strikes, in part triggered by the San Francisco police and fire walkouts last fall. Wilson's only major setback in the labor area came when the police signed on with the Teamsters for salary-negotiation purposes. He showed his strength when he persuaded the Chamber of Commerce to write an anti-strike measure and got the voters to approve it last June.

Public employee issue

Already, labor groups have accused Wilson of using the public-employee issue as a stepping stone to higher office. Wilson dismisses the charge as nonsense. He thinks that since these employees hold monopoly powers over the public, fairly compensated civil servants should not be permitted to strike and leave taxpayers at their mercy. If they do strike, "they should keep right on walking," Wilson concludes.

Not too surprisingly, Wilson finds his heaviest opposition coming from organized labor in a city where labor does not hold that much clout at city hall. He has been the frequent target of the construction trades who feel the higher-than-normal jobless rate in San Diego can be traced to Wilson and his restraint policies. Builders blame Wilson's programs in part for the sky-rocketing increase in the cost of housing. Wilson tends to see inflation, increased labor costs and federal tight money policies as the more likely culprits.

Well aware that San Diego's high jobless rate is his political Achilles' heel, Wilson has vehemently denied the "no-growth" label pinned on him and spends much time assuring the community he is attempting to bring new, clean business to San Diego to employ those looking for jobs. Although he talks of bringing key industries, few have come since the relocation of the Van Camp tuna cannery and the Wickes Corporation furniture headquarters. In an effort to repudiate his no-growth reputation, Wilson has asked the Chamber of Commerce to undertake an evaluation to prove his critics wrong.

The charge that Wilson is using civil servants as "whipping boys" in his quest for higher office has increased recently, particularly because of his visibility as president of the League of California Cities. As the municipalities' official spokesperson, he has pressed to defeat attempts for binding arbitration or other mechanisms to resolve labor disputes. He also is pressing in Congress to stop possible federal legislation. Wilson contends that to give in to binding arbitration is the same thing as giving a non-elected bureaucrat a free hand with the taxpayer's pocketbook.

Despite claims he plays dirty with public employees, Wilson has carefully nurtured the "Mr. Clean" image he

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fashioned with reform programs. Wilson had the audacity in 1971 to turn down a campaign contribution from then-powerful C. Arnholt Smith before the former Mr. San Diego (who was generally known to have free access to city hall) saw his banking business go sour.

Wilson also pushed through a tough city ordinance that strictly regulates municipal-election contributions. Passed with the help of his allies on the nine-man city council, the ordinance limited campaign contributions to $250 per individual and prohibited outright gifts from corporations and unions. Many communities followed San Diego's lead. The statewide political reform act was initiated later.

Wilson also reformed the appointment procedure at city hall placing some women, browns and blacks who may have been bypassed in the past, into powerful positions. He does have a penchant for placing loyalists or Republicans in key slots. Behind that all-American look, (he still wears his hair wetted down), hides a tough politician who is not afraid to go public after exhausting the political finesse he acquired in the Assembly. He demonstrated this in 1973 when he blasted his party leadership for the bungling which led to the GOP convention being switched from San Diego to Miami.

Wilson also took a hard line when the National Baseball League wanted to move the San Diego Padres to Washington, D.C. This may prove his most popular success as McDonald's hamburger baron Ray Kroc bought the club and nurtured it into one of the leading draws in baseball. Wilson again risked the wrath of sports magnates by fighting to keep a World Hockey League franchise out of the city because he did not care for some of the past associations of the ownership. He lost that one.

Workaholic victim

Wilson is described as a compulsive workaholic. His days frequently start at sunup at his modern condominium unit and end up with the midnight oil still burning at city hall. Cool, sometimes appearing aloof, Wilson can be surprisingly profane in casual talks with intimates despite those charming Yale-freshman looks. The trait may be a remnant of his acquaintance with Richard Nixon, whose 1962 California gubernatorial bid got Wilson launched into campaigning.

Wilson quickly parted ways with Nixon soon after the Watergate scandal began to unfold, being among the first to call for the White House to come clean. At a major mayor's conference in San Francisco, he rankled party leaders by adopting a strong posture of outrage after Nixon attempted to put the lid on the Watergate affair with the "Saturday Night Massacre" firings.

To most observers, Pete Wilson's future is wrapped in more novel approaches in growth controls, public transportation improvements and efforts to cure the nagging problem of luring more industry to create jobs. At Wilson's prodding, the city has undertaken a study, which could cost as much as $300,000, to create a masterplan shaping the future growth of the city. Dr. Robert Freilich, the University of Missouri land-use whiz who drafted the first legally upheld growth masterplan for Ramapo township in New York, has sketched the initial details of the plan.

The plan, which may require a one-year building moratorium at the edges of the city, seeks to create 18-year programs in which required public facilities are coordinated with private development. The design clearly spells out that the city, not developers, will dictate where building will occur.

'Los Angelization' plague

Opponents argue that such policies simply force growth to spill over into the rural county where "Los Angelization" already is starting to occur. They also like to point out that Wilson has supported downzoning in central city areas when policies he supports call for a more densely developed urban core.

Wilson counters that he opposes fiscal zoning which he says hurts coordinated development and tends to lead to slums. He encourages tax penalties to discourage slums and tax incentives to permit private firms to build where growth is desired within the city.

The San Diego mayor revived the rundown San Diego Transit Corporation by dropping fares to 25 cents, causing a massive increase in bus ridership. Not convinced of the ridership-cost ratio of a massive rail transit system in his sprawling city, Wilson and a new transit board, created through some political maneuvering with Senator James Mills, are evaluating improved bus service for the southern portion of the metropolitan area and the merits of a less commuter-oriented light rail system.

Wilson has three more years to go as San Diego's mayor. He says he's not looking much past that. He knows that Brown could be around for six and a half more years. But Wilson tends to shrug off the time factor. At 42, he seems to say, he can afford to wait.

When asked recently about his future, Wilson said 1978 is a long way off. "One year is a long time in this business, and two years is an eternity," he concluded.

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The rising voice of the education consumer

By JOHN C. HOY and
MELVIN H. BERNSTEIN

Following in the tradition of the early twentieth century muckrakers, consumer crusaders of the past decade have successfully taken on the producers of autos, meats, poultry, and children's toys — forcing consumerism to the center stage of American public life. Few changes have occurred that essentially affect the welfare of students on our college campuses during the same period of time. Now a consumer-protection movement to advance the interests of prospective and enrolled students is gaining momentum. Policy makers and educators alike in California will have little choice but to turn their attention to this emerging issue before proposed solutions are enacted to cope with the superficial symptoms, leaving the real problems of students as consumers unanswered.

Effects of consumerism

Federal legislation and regulations both enacted and proposed, frequent newspaper stories, a spate of conferences devoted to this relatively new topic, and organized student lobbying all illustrate educational consumerism's effect in the last two years. Federal action to protect student interests includes the Buckley Amendment which guarantees rights of access to and privacy for educational records, Title IX which prohibits sex discrimination, and the U.S. Office of Education regulations for the guaranteed student loan program. (These rules are designed to curtail defaults through fraudulent practices, and also to promote the development of hard data on career-related job opportunities.) In 1973 and again in 1975, California Congressmen Alphonzo Bell and the late Jerry Pettis introduced postsecondary education consumer protection bills that died in committee. It seems only a matter of time before such an act is adopted.

Consumer lawsuits also are being utilized in the students' battle to have more say in the educational process. Cases filed by students include a lawsuit to recover interest on dormitory security deposits from the University of Massachusetts, another alleging misleading catalog information at Queensborough Community College in New York, and yet another for the recovery of tuition for an educational course that a Connecticut student believed failed to meet its stated academic objectives. So far, there has been little student success in winning cases based on charges that colleges aren't delivering what they promised. Still, the increasing tendency to resort to litigation suggests that campus educators may become more and more dependent on the judiciary for legitimization of their practices unless they respond to emerging consumer needs.

Perhaps the most constructive move for defining and advocating student interest came about with the formation of the University of California Student Lobby in 1971. The Student Lobby's goal is to represent and defend the collective needs of over 100,000 students in the state's oldest system of public higher education. This Student Lobby, the first in the country to set up a full-time operation, has successfully promoted bills dealing with such subjects as increased financial aid, funds to improve the quality of undergraduate instruction, and beefed-up support for educational opportunity/student affimative action programs for disadvantaged students.

Report on options

Earlier this year, students themselves addressed the consumerism issue directly when the National Student Educational Fund published "The Options Handbook," a summary report on the problems of communicating with prospective students about postsecondary educational choices. Well-researched and provocative, this report pinpointed the information gaps and made broad-scale recommendations which will give cause for concern to college educators. Among the key proposals that are likely to shift decision-making responsibility farther away from the campuses are:

- Statutory guarantee of the right to information
- *Regulation under the control of consumers and the public to ensure credibility*
- *Right to a local, state and national complaint system*
- *Legal services for students and potential students.*

Regardless of whether such recommendations may be considered valid, their impact on the educational process and the possibility of further outside intervention on our college campuses is a disturbing prospect for a system that has traditionally functioned with a minimum of interference and regulation from state control.

That the time is ripe for better protection of student consumers seems beyond debate. Considering the huge expenditure of time, energy, and money invested in a college education, a wrong choice may result in extreme frustration and waste. The following list illustrates typical problems and abuses:

- *Overly aggressive recruiting leading to false expectations and student-college mismatching*
- *Misleading advertising*
- *Delivery of instructional courses and programs different from those presented in college literature*
- *Inadequate information about the relationship between the educational program selected and related employment opportunities following college.*

There is an obvious need for clear and effective remedies. These problems are certain to be attacked from outside the walls of academe if concrete steps are not taken quickly by educational decision-makers. Change from within can blunt, if not avoid, prospective governmental action looming in response to the demands of the postsecondary education consumer movement. It seems only a matter of time until public pressure mounts in a field that has become as big a business as any. (Higher education boasts 11 million students of all ages, studying at over 10,000 institutions of all types and sizes.) Student interests will surely be more effectively protected in the future — the real questions are: when, by whom, and how?

Hoy is vice-chancellor for student affairs at the University of California Irvine, and Bernstein is assistant vice chancellor at Irvine.

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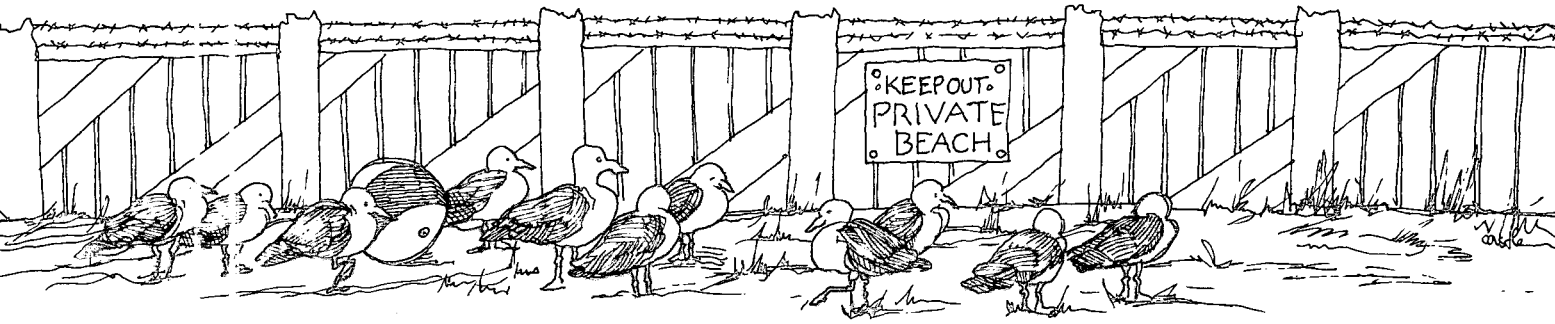
TIME: SWORD OF DAMOCLES

Coastline conflict: Whose sacred cow will be eaten?



By LEAH CARTABRUNO

The fate of 1,072 miles of some of the world's most beautiful coastline hangs in the balance while some top legislators and staff people are squaring off to see who will be its savior. The present California Coastal Zone Conservation Commission and its programs expire at the end of the year. No successor agency has been approved.

The intentions of most of the parties involved in promulgating a new coastal bill are honorable — they're just trying to include what they believe are the "right" provisions. But wars, holy or otherwise, produce more negative than positive results. Before this legislative battle is over, somebody's sacred cow is going to be eaten.

In the meantime, the estimated 4.5 million coastal residents in the effected area are waiting to see in what kind of environment they will live, while the other 18 million Californians wonder if their "visitation" rights will be secured. Not to be ignored are the developers, realtors, labor unions, and commercial and industrial interests who also are waiting for the go-ahead on their coastal projects.

There are three coastline bills pending for action in August. They are Senator Jerry Smith's SB1277, set in the Assembly Committee on Resources, Land Use and Energy; Assemblyman Mike Cullen and Senator Ruben Ayala's AB 3402, and Assemblyman Barry Keene's AB3875, both scheduled for the Senate Committee on Natural Resources.

Cast of players

Almost more important than the bills themselves are the players. Senator Smith inherited the bulk of Senator Anthony Beilenson's bill and his supporters. With the help of Joe Petrillo, Smith's aide and former chief counsel of the Coastal Commission, Smith is trying to keep groups as varied as the League of California Cities, the California Democratic Council, the League of Women Voters, the Western Center on Law and Poverty, PACE (People for Access to the Coastal Environment), and the whole range of conservation organizations on board.

To complicate the picture, the chairman of the Assembly Resources, Land Use and Energy Committee, Assemblyman Charles Warren, and his aides, Gene Varanini and Peter Douglas, have ideas of their own on how further amendments should be handled. Both the Smith and Warren forces are allied with Governor Brown and his two top advisors on the issue, Preble Stolz, Brown's program aide, and Bill Press, head of the Office of Planning and Research.

There are two "rump" groups trying to influence what is being decided on the Smith bill. The developers, realtors, labor unions and business and commercial interests calling themselves the California Council for Environmental and Economic Balance (CEEB) are trying to get the Smith group to consider their interests by offering an alternative bill. The Cullen-Ayala measure was the developers' alternative. The Keene bill is CEEB's focal point. Representing the coalition are Jim Carroll, a CEEB staffer, and Bill Geyer, who also lobbies for Dow Chemical and the Irvine Company.

The other "rump" organization is the State Lands Commission which, under the chairmanship of state Controller Ken Cory, insists it is empowered by existing law to have exclusive jurisdiction over the coast from the high tide line to three miles offshore. Cory has ordered the Lands Commission staff to draw up regulations to adopt and implement provisions of the Coastal Plan. Previous to this, the State Lands Commission has acted only as a landlord and has contracted with parties intent on developing these lands. There is no specific policy-development role, and Lands Commission authority to require that leases or grants comply with the coastal plan is in serious doubt.

The Lands Commission is not the only state entity looking askance at a new Coastal Commission. Such entities as the Energy Resources, Conservation and Development Commission, the Air Resources Board, the Departments of Fish and Game, Navigation and Ocean Development, and Water Resources, among others, are concerned over jurisdictional disputes.

Smith's SB1277, as it now stands, would adopt the major features of the coastal plan prepared by the Coastal Commission covering such elements as coastal area development, preservation, and public access. It requires local governments on the coast to bring their general plans into compliance with the state's goals as specified in the legisla-

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tion. It also would create a new state-wide coastal commission which would approve local plans and serve as an appeals board for plan-implementation disputes.

Strategy session

A meeting with Smith, Warren, and Governor Brown in the waning weeks of July brought some decisions on new amendments designed by Warren and his aides. Some sources fear that these new amendments will gain some construction support at the cost of local-government approval. The main changes in disputed areas are:

- ***Jurisdiction:*** Should the coastal zone extend 1,000 or 2,000 yards from the high tide mark? It looks like 1,000 yards will be adopted with certain ecological bulges for wetlands and such but not for agriculture.
- ***Governmental coordination:*** The permit structure probably will be clarified, and duplication between local government and the coastal authority will be eliminated to facilitate applications. Specific sections will be added to outline state entities' jurisdiction. Coordinating changes in the law covering the Department of Water Resources, the Division of Forestry, the Energy Commission and other agencies will be made.
- ***The governing board*** will probably be composed of 15 members, including the Business and Transportation and Resources Secretaries, the chairman of the State Lands Commission, six public members and six representatives from local government. Regional commissions would go out of existence by 1981 at the latest.
- ***Other areas in question are:*** public-access provisions; whether a housing mixture will be preserved in the coastal zone or the emphasis will be on "accommodations" (motels and rentals); an appeal process easily available to the public after the regional commissions are phased out.

Although the Governor has said he will call a special session if the needed legislation is not passed by recess time at the end of August, why is all this hassling going on in the last scheduled month of session? The answer lies in the issue's brief legislative history.

Historical perspective

Proposition 20, an initiative which was passed in the November 1972 general election, set up the California Coastal Zone Conservation Commission as a temporary agency charged with preparing a permanent coastal plan and controlling coastal development for an interim period. A $5 million appropriation was made from the Bagley Conservation Fund (the 1972 income tax withholding windfall) to finance the agency for the four-year planning period ending December 31st, 1976.

The initiative established a state commission of 12 members and six regional commissions with 12 to 14 members. The planning area was defined as three miles seaward and inland to the top of the coastal range. The area for permit-controlled development was limited to 1,000 yards from the mean tide line, including some ecological "bulges."

The permanent coastal plan the Coastal Commission was directed to produce was ordered to contain policy statements on such subjects as marine and coastal land environment, recreation needs, optimum population densities, coastal development, transportation, energy and a special section on implementation of the plan. The required report was finished on schedule, December 1st, 1975 and contained 162 policy statements in 443 pages. What remained was to write legislation adopting the plan and creating a permanent administrating agency.

An 81-page bill, SB1579, was introduced by Senator Beilenson on February 10th after much discussion with the different interest groups. The bill made it through the Senate Committee on Natural Resources on a 5-3 affirmative vote, the minimum, on May 3rd after three months of extensive hearings. But the over-300 amendments made to SB1579 did not help it pass the Senate Finance Committee where the bill died on a 6-5 favorable vote, one short of passage, on the last day for Senate bills to clear the Finance Committee.

There are 13 members on Senate Finance. Voting aye were Senators Beilenson (the chairman), Peter Behr, John Holmdahl, Nicholas Petris, Albert Rodda, and Donald Grunsky — four Democrats and two Republicans. Voting no were Senators Dennis Carpenter, Lou Cusanovich, David Roberti, Walter Steirn, and Howard Way — three Republicans and two Democrats. Absent were Democrats Alfred Alquist and Randolph Collier.

Ire of conservationists

The wrath of the environmentalists fell on the head of the Democratic majority leader, David Roberti. Usually a pro-environmentalist, Roberti was taken for granted as an aye vote. Roberti explained his vote carefully. He wanted provisions in the bill (and offered amendments) protecting the low- and moderate-income housing existing in the coastal area, and he wanted strong access provisions for those people not living on the beach.

Although he represents an inner city, low- to moderate-income constituency, Roberti was accused of being a hypocrite and of selling out to labor-union demands. One Administration source rationalized Roberti's vote by saying it had been a tough legislative year for labor. One conservationist called Roberti's demands radical, "economically unworkable," and designed to kill the bill. Roberti's office was deluged with defamatory mail, including a packet of letters from a fifth-grade class in San Diego that at once proved proficiency in obscenity and inability to spell.

The usually soft-spoken legislator was livid about the reaction. "I frankly find it easier to take the arguments of Republicans who are honestly out to make a buck and protect their life-styles," spewed Roberti, "than the beach-front Democrats who don't eat grapes at dinnertime but who confuse environmentalism with their own consumptive appetite to keep the best of everything for themselves. My files are replete with letters from this latter group."

There is a group of wealthy conservationists who are for strong coastal controls, but who are building a "Great Wall of China" around their expensive homes along the coast, Roberti continued. "My people are given a nickel's worth of access for a dollar's worth of sacrifice" (in terms of jobs and higher inner-city density).

"Why can't anyone accept I voted my conscience?" asked Roberti. "Other Democrats voted no. I was the seventh vote on the nuclear bills. The preamble of the bill says the coast belongs to all the people. I want the bill to live up to that. If it happens that Georgia Pacific agrees with me and the Malibu Town Council disagrees, I find comfort that the economic interest of the former is devoid of the hypocrisy of the latter. It's okay to take donations from wealthy professionals with beach-front homes but not from someone with dirt under his fingernails."

Several legislative sources felt the attack on Roberti, who enjoys a play-it-straight reputation, was unfair. One said it is hard to concede that someone has the courage to stand up for what he believes. Senator Behr said he thought Roberti voted on his strong philosophical convictions.

"More is at stake in coastal legislation than conservation alone," said Roberti. "The equal administration of the laws for rich and poor alike is important too." It will be interesting to see if the Smith-bill strategists deal with these "people" issues or just maneuver around Roberti.

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PATCHQUILT OF SMALL PROGRAMS

Does Brown's welfare policy amount to recycled Reaganism?

History will probably record "welfare reform" (whatever that is) as the single major accomplishment of the eight-year Reagan Administration. What has happened to the "welfare reforms" instituted by Ronald Reagan now that California has a Democratic governor? What are the differences between Jerry Brown and Ronald Reagan on welfare? These questions are analyzed from two viewpoints in the following articles. One examines the activities of the Department of Benefit Payments which administers the welfare program. The other studies the attitude of the Brown Administration as demonstrated by court cases in the health-and-welfare field.

By CAREY QUAN GELERNTER

In the Reagan days, welfare-rights activists who tried to meet with the welfare director were shunted into the halls. The doors to the director's office were locked. The doors are now open. Some of these same activists are members of a welfare advisory committee that, as one member put it, "gives the director unfiltered stuff about what's going on in the streets."

To judge by the doors and the existence of the committee, Governor Brown's approach to welfare is dramatically different from Ronald Reagan's. But a closer examination of what Brown's been saying and doing gives a much more diffused picture that leaves even insiders unsure of where he stands.

Take the welfare advisory committee, for example. On the one hand, it represents an opening up of the Department of Benefit Payments and the participation of people who never had a voice before. On the other hand, the feisty committee has little clout because members cannot vote on policies. (At a typical meeting, committee member Johnnie Tillmon lobbied against a paternity form recipients must fill out saying, "It's ridiculous, sometimes they'll be making a 50-year-old woman remember what motel she was in 20 years ago. Now if I get my aid first, then I'll try to remember which one it was that got me pregnant.")

Woods the director

Brown's appointee to welfare's top post, Director of Benefit Payments Marion J. Woods, talks like a liberal but sticks to generalities. Woods is 44, Black, a former management consultant, social worker, and specialist in manpower training and work incentive programs. He calls himself middle-class, a believer in the work ethic and respectful of the institutions.

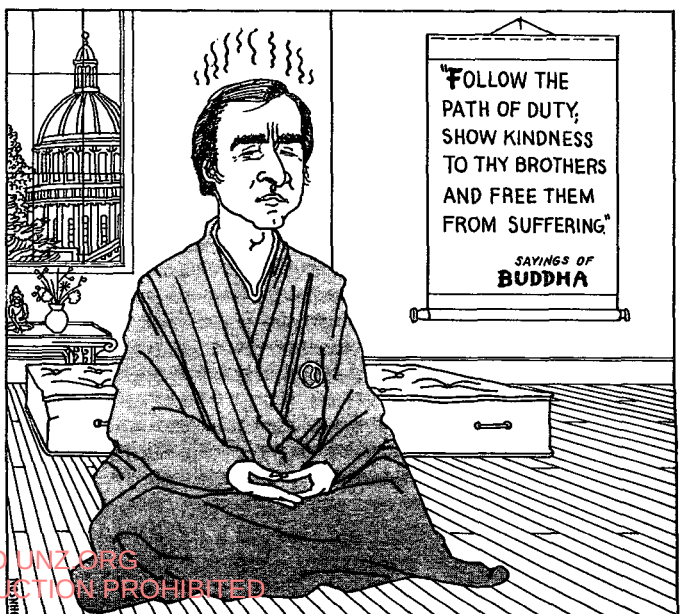
He is acutely aware that welfare is an especially touchy issue because of Brown's presidential ambitions. He makes it clear that changes will be small ones under his directorship. The Brown Administration is politically realistic enough, Woods says, to take into account Californians' bad opinion of welfare. "Welfare has a bad connotation and I don't think we can change that," he says. "But we have to try."

Woods' goal is to "set the climate so major change can come through in the future." He talks about "administering what we have" efficiently and equitably so as to "save a lot of money." He suggests demonstrating through very small programs that welfare recipients can move from welfare to jobs. Until the public's attitude changes, he says, any attempts at major reforms would die.

Some welfare recipients on the committee complain the public attitude can't change unless Brown himself speaks out against welfare myths and stereotypes. They do credit the Governor with not using welfare recipients as scapegoats as Reagan did. Reagan constantly hammered away about cracking down on welfare fraud. Woods says the people involved are basically honest. "We don't want a system emphasizing the cheaters and the chiselers," he remarked. "Politically, that's the kind of rhetoric that creates class conflict."

With all deliberate speed

Some legislators and welfare advisory committee members think Woods is moving too slowly. But the specter of



The author is a graduate student in journalism at the University of California, Berkeley.

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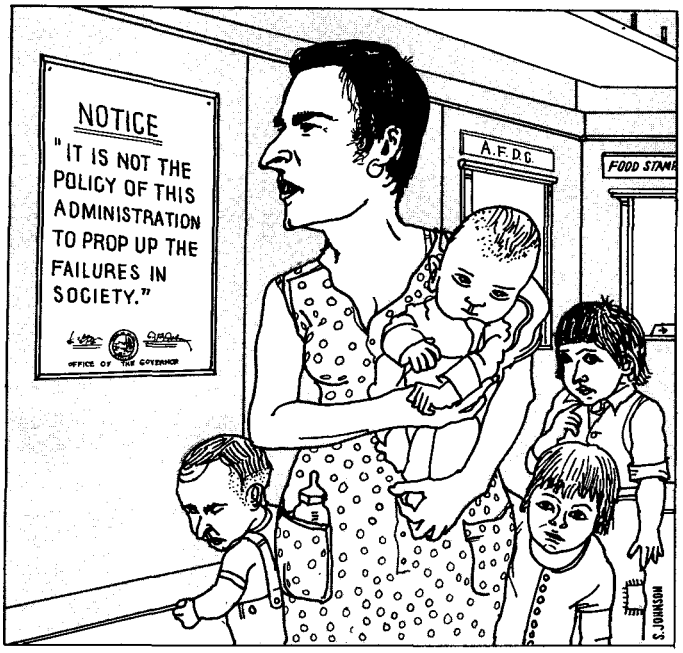

James Lorenz, ex-Employment Development director, is a reminder that to move too fast or too innovatively means the axe. Insiders say that legal-aid attorney Ralph Abascal was considered for Woods' job. Now with California Rural Legal Assistance (CRLA), Abascal filed many of the lawsuits against Reagan reform regulations when he was with San Francisco Legal Aid. Some believe real changes would have been attempted under Abascal.

Legislative welfare specialists see some differences between the Brown and Reagan welfare philosophies. One says the essential difference is that Brown isn't "preaching against people," that the Governor may be fiscally restrictive but his concern for welfare expenditures is no more than his concern for highway expenditures.

More than a few of Brown's supporters were taken aback when he made the statement praising Reagan for making welfare reforms that work "amazingly well." Liberals had criticized Reagan's Reform Act of 1971 which they said instituted punitive, "hassle" regulations that made it demeaning and difficult to obtain welfare.

Brown's conservative stance led Ronald Zumbrun, a welfare department lawyer under Reagan who is now chief counsel for the Pacific Legal Foundation, to insist the department is going behind Brown's back to liberalize welfare. Zumbrun says that the statistics are being juggled to cover up the fact that the number of recipients committing welfare fraud is rising.

Less strict or more?

Are Zumbrun's allegations justified? The federal government double-checks the work of Benefit Payments by taking its own sub-sample to determine how many people are being under- or overpaid. Director of San Francisco's HEW Quality Control Unit, William Hirtz, says there has been no change in the "aggressiveness with which fraud prevention is pursued under the Brown Administration." In fact, he says the fraud prevention work is better than ever.

Just how stingy Brown intends to be in regard to welfare remains unclear. Liberal legislators had to fight hard just to get cost-of-living increases to the elderly, blind and disabled receiving social security allotments. Arnold Munoz, Woods' community relations man, says the department is putting forth small programs to get an indication of what Brown will or will not approve. A Legislative source says the department's uncertainty stems from Brown who is "like a psychiatrist — he sits there and nods and says nothing. You say, 'What about this?' 'What about that?' He just sits and nods . . . you get more and more uncomfortable . . . Desperately (you're grabbing at straws now), you say, 'What about such and such?' And he says, 'OK'."

Some changes are being made. Many of the Reagan "hassle" regulations are on the way out either as a result of the welfare advisory committee or the efforts of Daniel Brunner, the new legal affairs deputy director. Formerly with Long Beach's Legal Aid Foundation, Brunner is going over all the harsh regulations trying to show they are in conflict with state laws. Most of Brunner's suggestions for regulation changes are "humanizing" ones that require no money. Top staffers now are required to work periodically with eligibility workers in county welfare offices. Fair hearing appeals from decisions counties make regarding recipients' grants are being scrutinized for possible trends that could indicate state policy changes.

Middle-management mess

One problem Woods faces is that despite the changeover in the department's top leadership, middle-management is still dominated by Reagan protégés. Reagan brought in people from the Department of Finance and trained them to focus their attention solely on the costs of programs. The bureaucrats resist Woods' changes. These inexperienced new leaders have had little choice but to go along with the advice of experienced personnel — although it's obvious they reflect the views of the previous administration.

When the Administration brought in so-called rowdy and demanding activists to fill the advisory committee, middle-management was antagonized. "It freaks the staff out that the director listens to us," says Kevin Aslanian, a member of the committee. Sometimes the committee thinks it disturbs Woods too, but, despite the rough spots, the dialogue goes on.

There's still the question of whether Brown will allow any real changes to be made. Brown says he believes in jobs rather than welfare. He also has said that only the federal government, not the states, can really solve the unemployment problem. His efforts so far have been a patchquilt of small programs largely funded with money already designated for jobs programs but very little new money.

Brown has brought in new and articulate people, from administrators to welfare recipients, and these people are making an impact. However, for the average welfare recipient, life under Brown probably won't be all that different from life under Reagan. But, as Kevin Aslanian says, at least nothing really bad is happening.

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Pattern of procrastination to preserve welfare dollars

By BARBARA GATELY *and* GRETCHEN NICHOLSON

Enter Jerry Brown with his coterie of public-interest attorneys, battle weary from the Reagan years and looking forward to an administration which would respect and enforce the legal rights of their former clients in the health-and-welfare field.

Today, the Brown Administration rivals its predecessor in the quantity of disputes going to the forum of last resort — the courtroom. While many of the pending lawsuits involve legitimate legal issues, they also reflect an attitude toward social-welfare legislation, which Brown apparently categorizes as designed "to prop up the failures in society." Their usual defense is lack of funds. That argument fronts for the often tough accommodations administrators make in the face of legislative mandates.

An example of the Administration's modus operandi with respect to health-and-welfare rights is illustrated by the lawsuit *Bananas v. Lackner*. That class-action suit, brought in Alameda County, challenges the state Department of Health's abrupt discontinuance of inspecting and licensing children's day-care centers as required by state law. Although that law has been on the books since 1913, last year the Department of Health initiated self-certification of child-care centers. Under this policy, licensees simply were required to sign a paper stating that they understood the state regulations and would comply with them under penalty of perjury. The number of inspectors was cut from 21 to eight, and "spot checks" were instituted on the state's 3,200 child-care centers.

Day care low priority

The lawsuit was brought only after repeated protests to the Health department and to Governor Brown were met with cries of "no money" and "low priority." After the action was filed, Secretary of the Health and Welfare Agency, Mario Obledo, said he would support the Department of Health in seeking $250,000 in emergency funds for inspecting and licensing child-care centers. The message appeared clear — the administration would "voluntarily" comply with the law rather than face the embarrassment of being forced to comply under court order. But no, two days later, the Attorney General's office notified the plaintiff's attorney that the state intended to fight the lawsuit.

In a March hearing on the case, Bamford Frankland, deputy health director, admitted that the Health Department had a clear legal duty to inspect and license day-care centers and that the department was currently failing to obey that duty. Why weren't funds appropriated? Because, stated Frankland, the Governor believed that inspection and licensing were a waste of time and money.

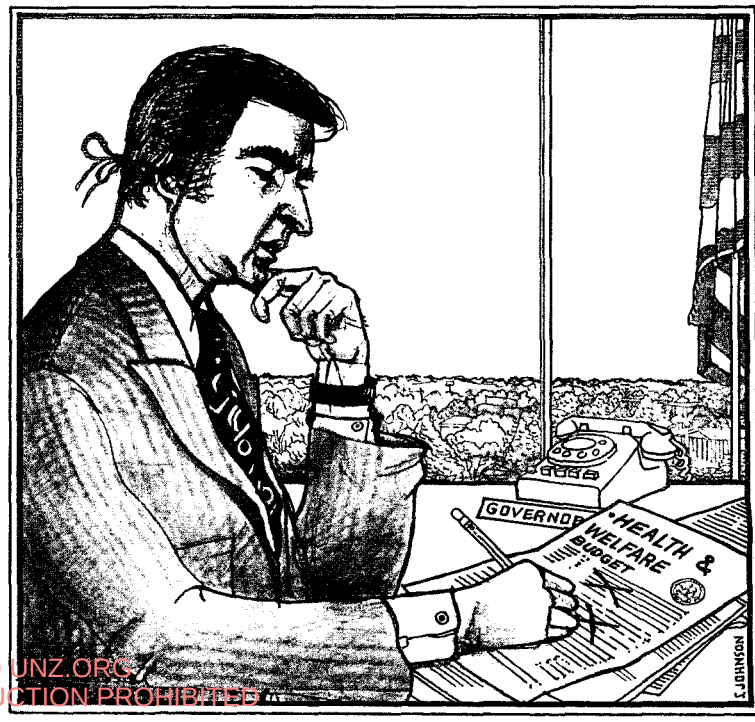
The authors are third-year students at Hastings College of Law.

Although the judge hearing the case was sympathetic to the Administration's tale of financial woe and ultimately ruled in its favor, the pressure mounted on another front. An article written by Erica Black Grubb, with Public Advocates and co-counsel for petitioners, was published in *The Los Angeles Times* in April. Grubb charged that while the Governor "may make a show of professing humane values, California's children fared better under Ronald Reagan." Within two days, Grubb was informed that the Governor was supporting proposals to spend $1 million to re-establish the program. The eight-month battle was over.

Switch side of problem

The opposite side of the licensing controversy is presently being litigated in *Doe v. Obledo*. That Alameda County action was brought by parents of young children and the National Organization for Women, and challenged alleged illegal enforcement of statutes and regulations controlling the licensing of family day-care homes. The petitioners claim that "under the guise of licensing this form of child care, the state has promulgated regulations which depress the supply of licensed family day-care homes and otherwise violate the letter and purpose of the statute which prescribes licensing for family day care."

The Administration is accused of refusing to license homes where the operator: speaks only Spanish or Chinese; is unmarried; has no additional source of income apart from child-care services; has a child under two years of age; is



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pregnant; has a lifestyle of which a county employee disapproves; or is over 60 years of age.

The petition charges the licensing regulations discriminate against residents of poor minority communities. It also details the plight of two parents who had placed their children in unlicensed homes and who were forced to remove their children and thereby lose income when the San Francisco Department of Social Services closed the homes. Although both parties were satisfied with the care provided in the unlicensed homes, the city has threatened criminal prosecution should the homes attempt to reopen without a license.

No answer to the amended petition has as yet been filed by the state. Quinn Denver, the Health Department's deputy director of legal affairs, reported that the complex legal and factual issues raised in the case prohibit any comment at this time.

Food stamp fight

While California helped get the temporary restraining order to block restrictive food-stamp changes ordered by the Ford Administration, ironically, the state is being asked to defend its refusal to comply with current regulations mandating an expansion of the California program. In a suit filed by California Rural Legal Assistance in the San Francisco U.S. District Court, *California Legislative Council for Older Americans v. Brown,* Supplemental Security Income (SSI) recipients want the restoration of their food-stamp eligibility in accordance with a recent directive from the Social Security Administration (SSA).

Formerly, SSI recipients couldn't participate in the federal food-stamp program because California elected to "cash out" SSI recipients from the food-stamp program through a system of supplemental cash payments to all persons eligible. The SSA notified state officials that, effective July 1st, California no longer qualified as a "cash out" state. In spite of this notification, recipients charged responsible state officials have taken no action to restore SSI recipients' food-stamp eligibility. In fact, the state itself went to court to overturn the SSA ruling, and concurrently has a bill moving through Congress to allow the "cash out."

John H. Sullivan, spokesman for the Department of Benefit Payments, said the state's contention is that it was Congress' intent that the initial determination of "cash out" status continues to control eligibility. At the heart of the Administration's argument, according to Daniel Brunner, Department of Benefit Payments attorney, is a study showing that extension of food-stamp eligibility to SSI recipients would result in additional administrative costs of $62 million compared to actual benefits of $24 million (if the Ford Administration regulations are not implemented — $14 million if they are).

These figures are based on the assumption that only one-third of SSI recipients eligible for food-stamp participation will take advantage of it. That assumption, according to Richard M. Hart, Jr., an attorney for the recipients, ignores the mandate of the Food Stamp Act's outreach requirements which provide that "the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households." If an effective outreach program were mounted, Hart maintains, the participation rate would increase to at least 50 percent, which would amount to approximately $40 million in benefits under the present regulations.

Cash or food stamps

At the root of the Administration's objection to extending food-stamp eligibility may well be a basic distaste for the program itself. The Administration apparently prefers cash grants rather than becoming deeply embroiled in the bureaucracy of the food-stamp program. Daniel Brunner reported that the Department of Benefit Payments has been investigating the possibility of increasing supplemental payments as a means of distributing benefits more equitably than would extension of food-stamp eligibility. Whatever the philosophical merits of either side's argument, one fact is clear — those unable to buy food now cannot afford the luxury of a wait-and-see approach.

Two lawsuits filed by the San Francisco Neighborhood Legal Aid Foundation attempt to rectify some of the surface inequities in the Prepaid Health Plan (PHP) program. PHP's were designed in 1971 to eradicate abuses which surrounded the traditional fee-for-service medical treatment. Under the PHP concept, the state contracts with companies providing health-care services to welfare recipients for a set monthly fee per patient. PHP's were expected to reduce the cost of health care because they would profit from keeping their patients healthy, thereby placing an economic premium on preventive medicine.

Almost since inception, however, the PHP program has been riddled with abuse. The most serious problem is the means PHP companies use to solicit prospective "clients." Some enrollers posed as welfare officials, telling recipients they must join a particular program to receive health benefits. There is no effective way to check that the companies are providing the promised services. Charges have been made that these administrative "oversights" are intentional and that the recent firing of Thomas G. Moore, Jr. as director of the PHP program was engineered by political forces who felt Moore was getting too close to untangling the administrative web.

Prepaid health plans

The two PHP lawsuits, *Ortiz v. Lackner* and *Ricketts v. Lackner,* charge procedural deficiences exist in PHP contract renewal hearings. According to David F. Chavkin, co-counsel in *Ortiz,* these hearings represent the only opportunity for consumer input in the PHP program. He charges this forum has been seriously undermined by the state's failure to observe basic procedural safeguards. Both

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actions allege that the state has failed to make findings of fact, base decisions on evidence presented at the hearing, and safeguard witnesses from undue harassment.

In addition, petitioners have alleged serious abuses in two health plans and contend that the decision to renew the contracts was made on information submitted by the plans (American and DePaulo) and by representatives of the Department of Health outside of the contract renewal hearings.

The petitioner in *Ortiz* was recently granted partial summary judgment. This determination has two significant ramifications: hearings are subject to the procedural safeguards, and decisions resulting from such hearings are subject to judicial review. This decision probably will not eradicate the myriad of abuses surrounding the PHP quagmire, but the plaintiffs claim increasing public scrutiny via the hearing process may at least blunt the blatant currying of political favors.

Two final suits challenge the Administration's interpretation of welfare recipients' entitlements under the Aid to Families with Dependent Children program (AFDC). *Green v. Obledo* filed in Sacramento County last October, contends that a state regulation imposing limitations on work-related expenses is contrary to federal law. In determining need under the AFDC program, certain specified exemptions are given for earned income in the Social Security Act. All expenses reasonably attributable to the earning of income must be considered in determining the actual availability of that income. That provision has been construed by the U.S. Supreme Court as "no limitation, apart from that of reasonableness, may be placed upon the recognition of expenses attributable to the earning of income."

Limits on AFDC aid

State regulations, however, attempt to impose a 12-cent per-mile limit upon the exemption for the cost of owning and operating an automobile necessary for transportation to and from work. This regulation, *Green* contends, "prevents the consideration of such actual expenses as the purchase price, sales tax, transfer fees, license fees, and costs of major repairs." These same expenses, the complaint continues, are currently permitted by federal law.

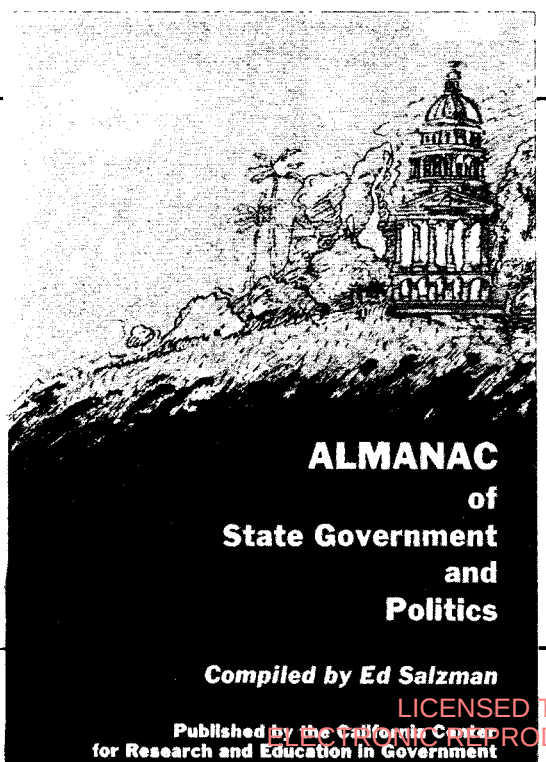
The law in *Green* is so clearly in favor of the plaintiffs that the opposition of the Administration appears to be simply an effort to save money through footdragging. Daniel Brunner asserts that a primary reason for the delay is a bill pending in Congress which would standardize work-related expenses, thereby rendering *Green* a moot controversy. (Congress has defeated similar bills on several previous occasions.)

The Administration's position in *McLean v. Obledo*, filed in Sacramento County in March, is scarcely distinguishable from that in *Green*. Under the AFDC program, the federal government provides matching funds to meet the needs of all persons essential to the care and well-being of the AFDC children. This practice, known as the "essential-persons" doctrine, was designed to eliminate the premium placed on broken homes under the former AFDC regulations. Plaintiff McLean, an unemployed step-parent of AFDC-eligible children, applied for inclusion in the Family Budget Unit. His application was denied on the ground that the state's standards did not include an unemployed stepfather. This regulation, the petitioner contends, is in clear violation of the federal "essential-persons" doctrine.

The fact that this issue has been forced into litigation is surprising in light of a letter sent by Marion J. Woods, director of the Department of Benefit Payments, to the plaintiff's attorney in February. Woods stated:

. . ."*the Department of Benefit Payments considers the so-called essential-persons doctrine to be desirable and has recommended adoption of implementing regulations to the Secretary of the Health and Welfare Agency. The Secretary is also favorably inclined toward implementation of the doctrine in California and has directed that necessary approvals be sought from the Department of Finance . . . and from the Governor's Office.*"

The buck stops at the Governor's office. These cases indicate that procrastination is the standard Brown Administration response to those seeking implementation of clear legal mandates. The Governor is on record favoring conservation of funds and prevention of general tax increases. Public-interest attorneys, who thought they had seen an end to fighting the state when Brown replaced Ronald Reagan, find that they must still employ the courts to protect the right of California's poor to a variety of health-and-welfare benefits.



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California *CAPSULES*

PUC approves lifeline rates, kills charge for information calls

In two separate actions, the state Public Utilities Commission killed Pacific Telephone and Telegraph's plan for charging 20 cents for each call to information operators and approved minimum-quantity standards for gas and electricity under the new "lifeline" rate structure. The PT&T plan would have allowed three free calls to directory assistance each month. The company claims the charge on information calls past that number would reduce the cost of providing the service and the savings would be passed on to the customer. Consumer groups and the PUC felt the company could not charge customers for routine use of the service, but could submit a proposal for eliminating systematic abuse of the free service. In the lifeline rate structure, the quantities were based on the amount of energy for "the minimum needs of Californians living in single-family residences and multi-unit apartments." Monthly standards for electricity: 1,040 kilowatt hours, broken down to 550 for space heating, 250 for water heating and 240 for lights, refrigeration, ranges, etc. Monthly standards for gas: 81 therms, broken down to 55 therms for space heating, 20 for water heating, and 6 for cooking.

November ballot measures given proposition numbers

The Secretary of State's office has given the following ballot proposition designations for the November election:

Proposition 1: Allows the sale of up to $500 million in general obligation bonds for the state Housing Finance Corporation.

Proposition 2: Authorizes a maximum of $375 million in general obligation bonds for the acquisition and restoration of parks and historical sites.

Proposition 3: Authorizes the state Energy Commission to sell $25 million in bonds for loans and information programs on the use of insulation and solar heating.

Proposition 4: Constitutional amendment to allow the Legislature to control University of California bidding procedures for such things as construction and purchase of materials.

Proposition 5: Constitutional amendment to allow certain financial institutions to increase the interest rate on business loans. (Identical to Proposition 12 which was defeated on June's ballot.)

Proposition 6: Extends the period of time the Governor has to consider bills passed by the Legislature.

Proposition 7: Constitutional amendment to change the name of the Commission on Judicial Qualifications to the Commission on Judicial Performance and gives it new authority. Requires membership to include two lawyers.

Proposition 8: Constitutional amendment to allow nonchartered counties to elect or appoint superintendents of schools. Allows two nonchartered counties to set up a joint board of education.

Proposition 9: Constitutional amendment to allow the governor with the confirmation of both legislative houses to appoint a superintendent of public instruction, lieutenant governor, secretary of state, controller, treasurer, attorney general, or board of equalization member when a vacancy occurs for the unexpired term. If there is no legislative confirmation within 90 days, the appointee would take office.

Proposition 10: Prohibits newly formed special districts from imposing property taxes unless the rate has been approved by the voters.

Proposition 11: Constitutional amendment permitting the Legislature to adjust the rates on unsecured property to maintain equality between property tax rates on secured and unsecured rolls.

Proposition 12: Constitutional amendment to allow the Legislature to provide loans at a lower-than-market interest rate for the installation of insulation or solar heating or cooling systems in residences.

Proposition 13: The Greyhound Dog Racing initiative, legalizes greyhound racing and pari-mutuel wagering in California. Creates a California Greyhound Racing Commission to license and regulate the conduct of greyhound races by qualified associations. A specified percentage of the wagering proceeds would be deposited in the state treasury.

Proposition 14: The Agricultural Labor Relations initiative sponsored by the United Farm Workers. Would repeal the old Agricultural Labor Relations Act and replace it with a new act. Would require new appointments to the Agricultural Labor Relations Board, give greater access to union organizers to the property of employers during certain time periods, and make 50 percent the minimum amount of employee signatures for decertification of a union. Calls for sufficient funding from the Legislature.

Proposition 15: Amends a 1922 initiative dealing with the licensing of chiropractors.

Bilingual program for state a failure, says federal report

A federal report claims the state Department of Education was slipshod and disorganized in administering $36 million in federal and state funds allocated for bilingual education for 1974-75. One of the most startling charges was that the state took no action after it found that 80 percent of the teachers involved in the program were not bilingual. The report, issued by the California Advisory Committee to the United States Civil Rights Commission, said that 125,000 of the 233,000 California students who speak little to no English participated in 11 bilingual programs. However, the report alleges that only 10 percent, or 22,000 students, were actually in an effective program. State Superintendent of Public Instruction Wilson Riles disputed the findings and said the information is outdated. He said the department is either carrying out or has plans to carry out all of the report's 20 recommendations.

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WHERE HAS ALL THAT SURPLUS GONE?

Meade's fiscal legacy: a bonanza for the schools

By Ed Salzman

It seems like just yesterday that state Finance Director Roy Bell had dollar-hungry public officials throughout California salivating with an announcement that the projected state surplus for the 1976-77 budget would be in the vicinity of $800 million. For California taxpayers, the good news is that there is still enough money in reserve to prevent a tax increase next year. But for those who are still hoping to carve away a large slice of the fat surplus for themselves, the bad news is that it has already been cut in half and will probably be down to about $300 million by the time the Legislature adjourns this year.

The budget passed by the Legislature was only $200 million more than the $12.6 billion package proposed by Governor Brown in January, and all but $72 million of the additions were requested by the Administration. The Governor vetoed items totaling $51 million, bringing the grand total of the budget signed into law to $12,809,931,776. The budget itself made only a small dent in the surplus, but the appropriation bills that followed cut the reserve to shreds.

The budget is only 6.8 percent above the estimated level of spending in the fiscal year that ended June 30th, but that doesn't tell the story. Instead of putting major fiscal items in the budget this year, the Legislature put them in separate appropriation bills, notably the $270 million educational-finance measure that became part of the budget bargaining process. Just with the school finance bill and no others added, the budget would be 8.3 percent higher than the $12 billion spent last year.

The Serrano squeeze

If Roy Bell's estimate of a $300 million surplus is right, the Legislature could feel the squeeze next year if the state Supreme Court demands an immediate solution to the *Serrano* school finance problem, which has been hanging over the state's head for years. Should the court uphold *Serrano*, the current system of financing local schools through the property tax would have to be changed dramatically. If this year's negotiations on school finance are any indication, the cost could be high and there will be great difficulty reaching a consensus.

The Legislature made relatively few additions to this year's budget as submitted by Brown, only partially because it chose to use separate appropriation measures. Perhaps a more important reason is that the two-house conference committee that wrote the final version of the budget was the most fiscally conservative in recent history. Even the liberal in the group, Senator Anthony Beilenson, is stingy with a buck. Only partially in jest, some legislators identified conservative Republican Frank Lanterman as the wild spender in the group.

The state Constitution requires that the budget be sent to the Governor by June 15th, but lawmakers rarely even get down to serious discussion of the fiscal package by that date. This year, the budget went through the Senate cleanly but hit a major roadblock when it reached the Assembly. Frustrated by an inability to have a voice in the decision-making process because the Democrats commanded a two-thirds majority, the Republican minority elected to hold the budget for ransom. This was possible only because one Democrat, lame-duck Ken Meade of Berkeley, was aching for an opportunity to hurt Speaker Leo McCarthy and because he and the Republicans had a good issue — the financial plight of the schools. Without all 54 Democratic votes, McCarthy was forced to deal with the odd coalition.

Early in the budget considerations, it appeared that the $6.7 million appropriation to fund the bankrupt Agricultural Labor Relations Board might become the sticky issue. But the Republicans were snookered, and they knew it. If they demanded that the item be eliminated, the Democrats would comply. The result would have been a boost for the Cesar Chavez ALRB initiative on the November ballot. After months of screaming about the issue, the GOP quietly ignored it. The Republicans also would have liked to eliminate a $1.3 million allocation for

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the new postcard voter-registration system, but the Democrats would have held 54-strong on that.

Political role switch

These are strange political times in Sacramento, as elsewhere. The budget battle turned on a major school appropriations bill, with Republicans hollering for more money and Democrats loyal to Governor Brown trying to minimize the boost. In almost every previous budget battle, the Republicans have screamed that the Democrats were embarked upon a course of fiscal irresponsibility. When the dust settled, there was agreement on a $272 million educational-finance bill authored by Senator Albert Rodda and negotiated by a two-house conference committee. The budget was not passed until after the start of the fiscal year, and the Governor signed it into law at 3 a.m. on July 2nd.

Combined with added school funds in the budget, the educational package is the equivalent in new state aid of $118.50 per pupil. But the funds are broken into several categories, and how much each district receives will depend upon a variety of factors. Although the measure contains some jargon designed to make it look like the state is taking a step toward meeting *Serrano* requirements, the allocation of funds is such that the traditional system is retained. Meade would not have agreed to any bill that did not help Berkeley and Oakland, which are technically considered moderately wealthy districts despite critical funding problems.

Brown's coup

The bill contained a change in the state system of funding adult-education classes. Brown had placed a cap on spending for these programs. The Rodda bill removes the lid but eliminates incentives for districts to offer non-essential courses. The biggest single item in the bill, $145 million, is a cost-of-living increase in the so-called foundation program supporting each student. Another big item is $58 million to help schools meet the cost of teacher retirement.

Brown's biggest budget victory was his unexpected success in winning approval for giving all state employees a flat $70-a-month pay increase this year instead of a percentage boost that is primarily beneficial to those at the top of the salary ladder. He cut $18 million in extras from a $261 million pay bill, but $171 million of that was included in the budget. Although it looks like every employee will get $840 more this year, that is not the case. There are numerous exceptions, including highway patrol officers ($120 a month), prison guards and other special categories. Brown's approach caused a major rift in the large California State Employees Association (CSEA) but the organization went along with the plan, partly because Brown promised he would not push for the same approach next year, partly because there were so many exceptions to eliminate inequities and partly because the Administration boosted the total pay package from the equivalent of 6.8 percent to 8 percent of payroll.

The $18 million Brown cut would have given the State Personnel Board an opportunity to eliminate unspecified inequities and would have given lawyers on the state payroll a 2.5 percent override. It also would have provided inequity funds for higher education and $3.8 million in improved pension benefits. The Governor's negotiator was Marty Morgenstern, formerly a collective-bargaining specialist for CSEA, the organization given the most trouble by the pay plan.

Brown's blue pencilling was relatively light. He chopped $14 million in various school programs subsequently funded in the Rodda bill, $4 million in state-hospital staffing, $2 million for alcoholism programs, $2 million for office copiers, and $17.5 million for nursing-home rate increases under the Medi-Cal program, the largest single cut.

It is significant that Brown included in his list of vetoed items a $1.2 million appropriation he didn't touch — a pay raise for judges. He said it was reluctantly approved "under compulsion of existing state law. I will continue to seek elimination of the present pay-raise formula which singles out judges for special treatment."

The melting surplus

The key question in determining how large the budget surplus will be at the end of the fiscal year is how many appropriation bills the Legislature sends Brown at the end of the summer — and how many he signs. One major measure enacted in June would cost the state $52 million in welfare expenditures. Bell reported that a commitment was made to McCarthy to sign a $40 million rate increase bill for providers of Medi-Cal services. Bell said there will undoubtedly be other appropriations that the Governor will find it advisable to sign.

While Republicans succeeded in holding the budget up for school-finance ransom, they failed to eliminate one pet peeve — the two salaries being drawn by Tom Quinn, manager of Brown's 1974 gubernatorial campaign. Quinn will continue to collect $43,404 a year — $2,575 a month as an assistant to the Governor and $1,042 a month as chairman of the Air Resources Board.

The most significant victory was won by Assemblyman Meade, who proved that a single legislator placed in a strategic position can force the leadership and the majority to bow to his demands, especially when he is a lame-duck with no political future to consider. Meade can quit this year knowing that through his efforts the Oakland schools obtained a piece of the action in the distribution of the huge state surplus.

Health committee hearing produces incompetence charge

Assemblyman Barry Keene and his special subcommittee on health-care investigations held two days of hearings on the state Health Department's audit and investigation of Omni-Rx, a prepaid health plan that services approximately 10,000 Medi-Cal recipients. When the dust settled, Keene recommended the firing of four department officials and the transfer of three others for failing to discharge their duties competently. Keene also recommended restructuring the prepaid-health-plan section of the department with special emphasis on compliance and quality control. The Governor will personally inspect the troubled department, according to Health and Welfare Secretary Mario Obledo.

Are there diamonds set for Sacramento's rush-hour future?

If the proposed California transportation plan before the State Highway Commission is adopted, Sacramento commuters may be faced with the controversial diamond lanes for buses and car poolers now found on Los Angeles' Santa Monica freeway. Plans could include metered on-ramp devices to control or blend traffic and the use of the preferential lanes. The effects of the Santa Monica experiment are being hotly debated. A similar lane on the San Bernardino Freeway in Los Angeles was well accepted. CalTrans feels Sacramento's freeways are almost at their capacity and could benefit from the plan. If the program is accepted in September, the lanes would be about two years away.

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TROUBLE IN PARADISE

Dilemma in the delta – balancing competing interests

By HAL RUBIN

In many ways the Delta is an Eden that stretches from Sacramento to the East Bay. But trouble is brewing in paradise. Conservationists, agriculturalists, industrialists, realtors and land developers, and "recreationists" often have different priorities and conflicting views about the best uses of the Delta's land and water. Continuing legal hassles between the state and squatters would be enough to keep a platoon of Montgomery Street lawyers busy for a decade.

Wisdom of biblical quality is needed to untangle and resolve the region's problems while protecting its relatively unspoiled charm and fertility. Unfortunately, Solomon is not available as a consultant, and the burden has fallen on two planning groups — a state Resources Agency task force and the five-county Delta Advisory Planning Council. These groups have been charged with studying the region's problems and with recommending short- and long-term solutions.

In 1963 the Legislature directed the Resources Agency to prepare and periodically update a Master Recreation Plan that would define state policy for the Delta and provide the state, other agencies, and the public with guidelines for protecting and developing the Delta's scenic, wildlife, and recreation resources.

The first Master Recreation Plan was issued in 1966, the second in 1973. The document is being updated and will be submitted to the governor and the Legislature later this year. Although the title of the current 107-page Resources Agency plan implies that recreation is all-important, the scope is broader. It covers Delta levees and waterways, fish and wildlife resources, land use and transportation, land ownership and acquisition, and institutional involvement. Chairman of the Resources task force, James W. Burns, has been responsible for coordinating the efforts of the numerous public and private contributors and technical advisors.

The author, a journalism instructor at Sacramento State University, served as consulting editor for the 1976 Resources Agency Master Recreation Plan.

Formation of DAPC

In 1972 the five Delta counties — Contra Costa, Sacramento, San Joaquin, Solano, and Yolo — formed the Delta Advisory Planning Council (DAPC). The council is composed entirely of local government representatives from each county. These counties agreed that there was a need to coordinate the activities of local governments in the Delta, to develop and maintain a comprehensive plan for the area, and to strengthen the role of local government in state and federal planning.

DAPC was made responsible for the development, coordination, and completion of comprehensive planning studies. These studies had the specific purpose of assuring that the influence of local governments would prevail in the numerous planning decisions affecting the Delta. DAPC program manager is Bruce Jones.

The prize motivating all this effort is the lush 1100-square-mile lowland formed by the Sacramento-San Joaquin rivers, a region as flat as Holland and as hot in the summer as the Sahara. Sacramento, Stockton, and Lodi are fringe cities; scattered around the region are some smaller cities like Antioch, Pittsburg, Rio Vista, and Locke. To the west, the Delta opens into the Suisun marshes and the heavily populated Bay Area.

Delta geography unique

Contained within the Delta is a natural inland complex of sloughs; more than 60 leveed islands, most of them below sea level; and marshlands with 50,000 surface acres of water and more than 1000 miles of shoreline. Trees and vegetation provide food and cover for about 200 species of nongame birds, 39 species of mammals, 19 species of reptiles, and seven species of amphibians. The waters contain an abundance of fish and other aquatic life. Hundreds of thousands of hunters, fishermen, boaters, nature lovers,

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and tourists explore its interior every year. The 700 miles of waterways make up one of the largest bodies of protected cruising waters in the United States.

Only one percent of the world contains peat soil like that in the Delta, which is organic and rich in nitrogen. This fertile agricultural cornucopia annually pours out a harvest of pears, asparagus, potatoes, celery, and other crops valued at $275 million. Beneath the farmlands are some of California's most important natural gas fields, which pump more than 3.5 trillion feet of gas every year. Ocean-going vessels reach both Sacramento and Stockton via 30-foot-deep ship channels.

The Delta is also sparsely populated — about 250,000 people. It has plentiful nearby stores of petroleum products, and offers the last undeveloped land in the Bay Area with deepwater access. No wonder that corporate America and an assortment of developers literally drool into the sloughs as they envision an assortment of lucrative "projects."

A basic dilemma facing the Resources Agency task force and DAPC is how to arrange acceptable tradeoffs among the competing uses of the Delta: farming, industry, urban development, recreation, and conservation. Additionally, most of the Delta is privately owned and the planners can only recommend program and policies to the landowners and to the numerous agencies that have jurisdiction in the Delta.

A piece of the action

Among the complications is the multi-layered involvement of federal, state, regional, county, and local agencies, so that planning often has been poorly coordinated. On the federal level, the Army Corps of Engineers, Coast Guard, and U.S. Fish and Wildlife Service are deeply involved.

On the state level, the State Lands Commission has jurisdiction over natural, navigable waterways and a strong involvement in tidal and submerged lands. A primary function of the Reclamation Board is to acquire rights-of-way for federal flood-control projects involving construction and repair of levees. Regulations for the protection of water quality are established by the Water Resources Control Board. The Department of Fish and Game sponsors programs for protection of fish and wildlife and enforces fishing, hunting, and trapping regulations and laws. The Resources Agency comments on applications to the Corps of Engineers for permits and evaluates environmental-impact reports.

The five Delta counties are intimately concerned with the region's future. They are responsible for land-use planning, zoning, issuing building permits, and for patrolling the waterways within their jurisdiction.

In addition, many local and special reclamation and levee districts function in the Delta. For an example of how difficult it can be to penetrate this tangled bureaucratic skein, the builder of a structure on the Sacramento River may have to seek permission from 25 different federal, state, and county agencies.

Land ownership in the Delta poses yet another complex problem for planners, especially in the State Lands Division. Titles to private ownership can be traced back to the Spanish king in 1769, to Mexican grants in the early 1800's, and to California's admission to the Union in 1850. With admission, California received title to the beds of all naturally navigable waterways, and sale of sovereign lands is prohibited by the state constitution. But in 1855, the California Legislature decided that swamps and overflowed lands should be sold to encourage reclamation and cultivation.

Reclamation of the Delta began in 1851 when the Legislature passed an act that permitted John W. Booth and David Calloway to buy portions of Merritt Island for $1.25 an acre. That also began the continuing controversy over boundaries between privately and publicly owned land. During reclamation the boundaries of swamps and overflowed lands continued to change until the 1930's. The construction of artificial channels and of dams and levees further altered the natural condition upon which the state bases its claims to ownership.

Public pressure for better access and private pressure for increased urban and industrial development threaten both agriculture and open space. Some difficult tradeoffs have to be made. Although the current road system is at least marginally adequate to serve the present agricultural and recreational needs of the region, there is growing demand for easier access via land and water transport systems.

Preservation key

Since the Gold Rush, the Delta has provided routes for barges and boats, and its channels still provide the readiest entry into the interior. Because of the high cost of building bridges between the islands and the difficulty and expense of building roadways on peat soils and levees, the public road system provides only limited access for recreationists.

State and DAPC planning documents advocate the preservation of historic, archeological, and cultural resources in the region. They recommend that the town of Locke, the only still-standing Chinese-built town in the nation, be provided immediately with adequate fire protection and that it eventually be acquired as a state park.

Improved access to the Delta's attractions and expanded public parks and preserves will undoubtedly increase commercial, recreational, and residential development, swallowing up some prime agricultural land and degrading natural attractions that now draw recreation seekers. These are typical of the thorny tradeoffs facing the planners and help explain why the Resources Agency plan recommends that Interstate 5 be the last new highway in the region.

On the western side of the Delta, in Solano County, industrialization has begun, and serious controversy along with it. Dow Chemical has a plant at Pittsburg and is planning a $500 million petrochemical operation near Collinsville. Other prospective developments in the same area include a proposed $1 billion plastics plant by Atlantic Richfield; a power plant by Pacific Gas and Electric; and industrial additions by Southern Pacific Land Company and National Steel, joint owners of 4,000 acres.

Waterways problems

Conservationists are concerned about the effects of potential industrial air and water pollution. Maintenance of water quality and habitat required by fish and wildlife involves some nearly irreconcilable conflicts of interest. Animals and fish are becoming less abundant because of conditions typified by the increased consumption and diversion of water by humans and the discharge of pesticides, wastes, and pollutants into the channels. Every intrusion or alteration by man (levees, docks, dams, boats, farms, factories) affects the Delta's ecological balance.

Both the Resources Agency and DAPC plans give special attention to waterways problems by including appendixes titled: Delta Waterways Use Program. All Delta area waterways have been classified or "zoned" under one of the following: natural area, scenic area, or multiple-use area. Each category defines permissible uses and forms of development. In the natural area category, water skiing and high-speed boating are discouraged. Both documents recommend that only water-dependent, essential transportation, water conveyance, and utility

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projects shall be authorized in or over the Delta waterways. The purpose of this limitation is to keep most of the waterway shoreline undeveloped, while allowing for commercial and public facilities such as marinas, resorts, piers, docks, marine sales and repair that provide essential goods and services.

Levees are another critical concern. Until the 1850's, the Delta was a vast tule marsh. Most of the islands and tracts have been inundated at least once since the first levees were built by Chinese laborers during the Gold Rush. About 1100 miles of levees now protect the land, most of which is near or below sea level.

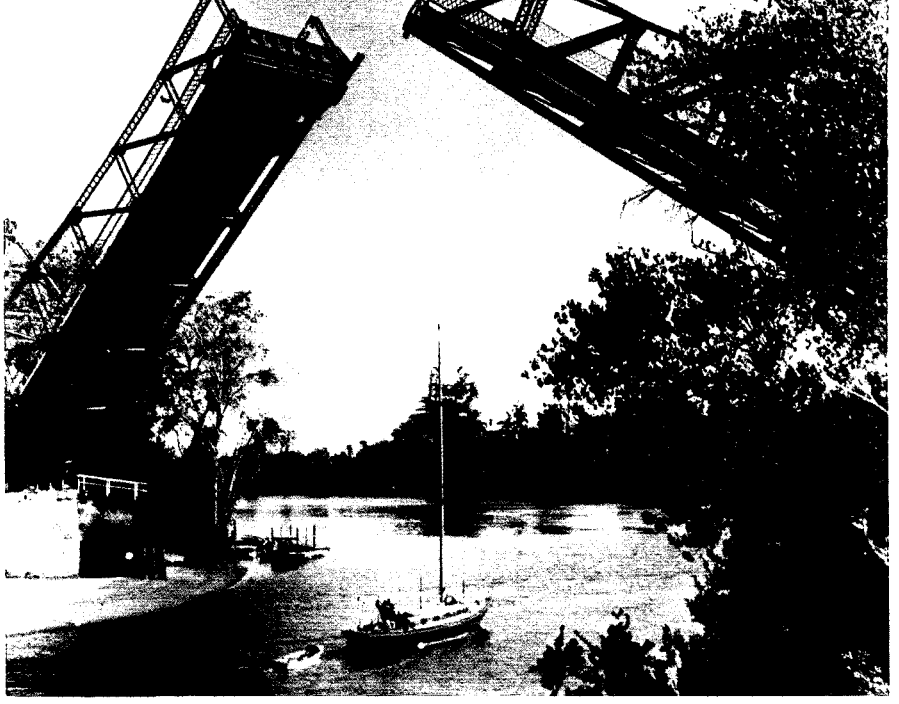
Although the levees have diverse uses, they are primarily a means of flood control. Protection against disasters like the Isleton flood of 1972 requires federal, state, county, and local coordination. Flood protection provided by the levees is generally inadequate, except for "project levees" — those built, rebuilt, or adopted as federal flood control project levees. Project levees, which make up only 15 percent of the total, are maintained by local districts in accordance with federal standards. At least 65 percent of non-project levees are considered to be in poor condition by state flood control experts.

Poor condition of the levees is one of the reasons why Bruce Jones has no fear that the entire Delta will ever go urban. But he adds that the region could be ringed with industrial and urban development built on higher and more solid ground.

Role for Resources Secretary

When the review of the 1976 state plan is completed, the document will go to Claire T. Dedrick, Secretary of Resources, for final consideration. With her approval it will become the guideline standard for the Departments of Fish and Game, Water Resources, Parks and Recreation, Navigation and Ocean Development, Conservation; the State Lands Commission; Bay Conservation and Development Commission (BCDC); the Water Resources Control Board; and other boards, departments, and commissions within the Resources Agency. The Office of Planning and Research will also scrutinize the Delta Master Recreation Plan and Governor Brown can make it state policy by executive order.

Dedrick, who has been following the work of both the Resources Agency Task Force and DAPC, said: "The Delta is the last remaining large area of its kind in California and one of the few



such areas remaining anywhere in the country. Unregulated development of Delta lands and waters would be a tragic loss to the people of the state. Some means of coordinating the planning and activities of all the local, state, and federal agencies with responsibilities in the area must be provided if the Delta is to be preserved as an area of statewide recreational and ecological significance."

Burns said that about half of the review comments he is receiving are concerned with state and local relationships in a regional planning approach. "The plan merely sees a regional-type agency as an alternative worth considering," he said. "This was wrongly interpreted by the attorneys for the landowners as a threat. Governor Brown and Secretary Dedrick do not favor creating new agencies when exisiting agencies can do the job." However, support exists among conservationists for a regional planning approach similar to that of BCDC, a regional agency with extensive regulatory power over Bay Area communities.

Opponents of the regional approach are found among some of the county supervisors and the representatives of farming interests, and local water agencies in the Delta. At a DAPC meeting in Stockton in May, these interests criticized the DAPC plan for emphasizing recreation at the expense of agriculture. Although Jones argued that the overall document provides a fair balance, these same interests believe the plan proposes too much governmental regulation. For them any regional, state, or federal regulation is synonymous with interference, and their philosophy is "locals know best." Some of these interests, particularly in San Joaquin County, oppose extending the life of DAPC, even though it is only advisory and without any powers.

'Locals know best'

Responding to their opposition, Bruce Jones said, "It is my opinion as staff to the council, and I have told them this, that it would be politically naïve to discontinue DAPC as a full-time, although advisory, organization. Without an active regional association of local governments, I foresee state Legislature mandates for the Delta.

"I'm confident that the five counties speaking through the one voice of DAPC have been far more successful in advocating their positions than the individual communities would have been acting separately."

Maintenance of a satisfactory environment for all the human and animal species and vegetation that occupy California's lowland marsh requires adequate fresh water flows, control of agricultural, municipal, industrial, and vessel wastes; prevention of flow reversals and intrusions of salt water; protection of native vegetation that supports wildlife habitat; protection of air quality; prevention of excessive urban, recreational, and industrial activity; and improvement of the levee system.

The bureaucratic apparatus and technical talents needed to ensure these conditions already exist within or are available to the agencies that produced the 1976 planning documents. All of the competing interests that partake of the Delta's delicately balanced ecology should employ the same finesse and reverence demonstrated by the Wintun Indians who inhabited the Delta when the white man arrived. These native Americans would remind them: "A frog does not drink up its pond."

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PUREST FORM OF DEMOCRACY

The continuing campaign to inhibit the initiative

By JOE DZIUBLENSKI

The Nuclear Power Plants Initiative, Proposition 15 on last June's ballot, provides a classic case study on what's right and what's wrong with California's 65-year-old initiative law. On the plus side, the measure provided the people with an opportunity to make a major policy decision. It tackled an issue which had not previously been addressed adequately (at least in the view of the proponents). It offered democracy in one of its purest forms. On the negative side, it put an issue to the people that was far too complex for the ordinary voter to understand. It produced an emotional and perhaps-misleading campaign. It contained drafting and possibly constitutional problems. It prompted an expenditure of a huge amount of money on both sides in the conflict.

The Legislature for several years has been considering various means of changing the system, primarily in response to those who claim the initiative has outlived its usefulness and should either be drastically revised or eliminated entirely. Most of the complaints have come from those who have lost at the ballot box, including business interests.

The California voter has been forced to make major public policy decisions at almost every election. The most recent issues were the coastal-zone initiative, Ronald Reagan's spending-limit plans, the political reform initiative and the nuclear initiative. In November, a mammoth battle will be waged over the agricultural labor relations initiative sponsored by Cesar Chavez. There are numerous other petitions in circulation.

The initiative process was written into the state Constitution in 1911 as one of the Progressive reforms designed to wrest control of state government from the railroads and return it to the people. States the Constitution: "The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." There are those who claim that, as employed today, the initiative is not a weapon of the people but rather of special-interest groups seeking to sell something to the public that had been turned down by the Legislature. But those who sponsor ballot measures argue that the will of the people is often thwarted by the Legislature, and the initiative provides an opportunity for the public to override their representatives.

Two years ago, when the voters approved Proposition 9, the political-reform initiative, it appeared there would be a drastic reduction in measures qualifying for the ballot by petition. The reform act for the first time imposed limits on spending for the circulation of petitions and spending in election campaigns. Those limits were struck down by the courts this year, opening the door to an expensive media blitz on the nuclear proposal.

Paid signature-getters

When the initiative first became part of the Constitution, 30,850 valid signatures were required to qualify a measure for the 1912 ballot. To qualify this year, 312,000 valid signatures (five percent of the votes cast for governor in 1974) are needed for statutes and 500,000 (eight percent of the 1974 gubernatorial vote) for constitutional amendments. As these numbers increased over the years, public relations firms began to specialize in the collection of signatures for fees. For many years, the standard charge was 50 cents a signature.

One of the goals of the proponents of the political reform initiative was to eliminate paid circulators of petitions. People's Lobby claimed that the change was designed to make the initiative process voluntary once again, as originally intended by Hiram Johnson and the Progressives. However, Dugald Gillies, legislative advocate for the California Association of Realtors, says the Proposition 9 limits would have given an unfair advantage to highly organized volunteer groups like People's Lobby and Common Cause (sponsors of the reform act). This debate was rendered moot, however, by the court action lifting limits on spending.

However, the courts have not eliminated other provisions of Proposition 9 applying to initiatives. Now, ballot-pamphlet arguments for or against an initiative can be challenged by any voter or by the secretary of state before the booklets are printed. If an argument is found "false, misleading or inconsistent" with the requirements of election laws, they can be changed or deleted.

Many of the initiative provisions in Proposition 9 were designed to reduce the power of big-money interests and give the public a more equal footing in the initiative process. But studies indicate that there is no necessary correlation between the amount of money spent on an initiative campaign and the number of votes for that side. In preparation for the court test of the spending limits, researchers prepared charts showing how much money was reported spent on each side of recent ballot measures and how the voters reacted. Those who spent the most won some and lost some, with no apparent pattern. This indicated that the voter has the ability to discard media blitz campaigns when the issue is clear.

Is it understandable?

Most of the legislative debate on the initiative process has centered

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around the problem of clarity. How can the Legislature adopt procedures that will help simplify the language of initiatives and put the intended issues squarely to the voter? The Legislature took a small step in that direction last year with the passage of AB 1142 by Assemblyman Richard D. Hayden, a Santa Clara County Republican. The Hayden bill requires the secretary of state to review a proposed initiative's language for clarity if requested to do so by the proponents. The review would take place before petitions were circulated. Suggestions made by the secretary of state would not be binding.

"The biggest single complaint that people make about the ballot," said Deputy Secretary of State Michael Gagan, "is that they don't understand what the initiative is saying. The inspiration behind the bill is to attempt to simplify initiatives so that people can understand them better." The nuclear measure last month illustrates this point precisely. Pollsters found that many people were planning to vote "no" thinking it was a vote against nuclear power and vice versa.

The Hayden law also requires the attorney general to include in the initiative title the amount of any increase or decrease in revenues and expenses to the state and local government if the measure is adopted. This provision expands the previously required statement of state costs and, theoretically, would give voters a better idea of the financial effects of the initiative.

Prior restraint avoided

A provision that would have required the attorney general to screen proposed initiatives for illegal or unconstitutional language was deleted from the bill. The attorney general did not want to become involved with the possibility of prior restraint. Initiatives often have been challenged in the courts. An initiative repealing the Rumford Fair Housing Act of 1964 was ruled unconstitutional by the courts. Some parts of Proposition 9 have already been struck down and more challenges are in the pipeline. "Yet Proposition 9 was drafted by some of the best lawyers in the state," said Roger Bollinger, consultant to the Assembly Elections and Reapportionment Committee. "Perhaps it is inevitable that big issues like this will have to be litigated."

In 1974, the Assembly Elections and Reapportionment Committee killed a proposed constitutional amendment by Assemblyman John T. Knox to make drastic alterations in the initiative process. Sponsored by the state Chamber of Commerce, that measure would have required that all initiatives be submitted to the Legislature after half the signatures had been collected. The Legislature would then be given a year to act on the proposal. If no action were taken or the Legislature passed a part-way measure, the proponents would be free to collect the rest of the signatures.

Knox argued that his plan would not have inhibited the initiative process — merely slowed it down. The legislative arena, he said, was preferable to the ballot box as the place to write laws. The opponents said the proposal would be impractical and would destroy the momentum of an initiative campaign. (Consider what it would have done to the Chavez proposal that qualified for the ballot in 29 days of petition circulation.) The opponents included the People's Lobby, the California Association of Realtors, the League of Women Voters and the Teamsters.

Legislative detour proposed

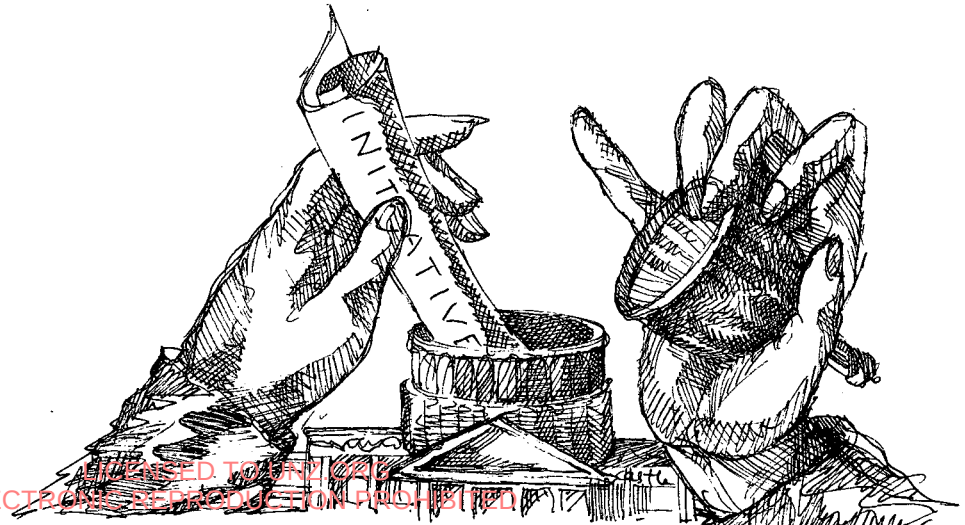
A refined version of the Knox plan, was submitted to the 1975-76 Legislature by Assemblyman Art Torres — and again rejected. Under this proposal, which will probably be offered again next year:

- *Proponents of an initiative must present their proposal to the Assembly after collecting signatures equivalent to one percent of the vote at the last gubernatorial election.*
- *The Legislature must then conduct hearings on the plan in San Diego, Santa Ana, Los Angeles, Fresno, Sacramento and San Francisco.*
- *The proponents may amend the measure at the conclusion of the hearings and, if they wish to continue the process, they must submit the measure to the attorney general for titling and summarizing.*
- *After sufficient signatures have been obtained to qualify the measure for the ballot, the proposal would be put through the regular Legislative process.*
- *If the Legislature approves a proposed statute, the initiative would not be placed on the ballot.*
- *All statutes rejected by the Legislature or vetoed by the Governor and all constitutional amendments (whether approved by the Legislature or not) would be placed on the ballot.*

The net effect of such a plan would be to slow the process and give the Legislature two chances to cope with the issue before the measure is presented to the public. It would undoubtedly be a major inhibiting force on the use of the initiative — and that is probably what is intended by most of its supporters. The Legislature has been reluctant to tamper with tradition thus far and open itself to charges of power-gathering, conflict-of-interest and attacks on democracy in California.

The trend, in fact, may be in making the initiative more accessible. A reform being pushed by People's Lobby would lower to 150,000 the number of signatures required to qualify a measure for the ballot. The organization has been seeking to spread the initiative to other states and the federal government.

Supporters of the process say the initiative continues to perform its original function. "Those initiatives that have had a major effect," says Assembly consultant Bollinger, "have clearly gone through the legislative process and been defeated." If the past few years are any indication, public- and special-interest groups will continue to employ the initiative to raise important issues after failing to receive satisfaction from the Legislature. "The reason you go to the initiative, which is a very difficult process," explained Judi Phillips of People's Lobby, "is because the Legislature didn't do its job."



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No relief from 5% limit

Legislators began their summer recess the first week in July after approving a $12.8 billion budget to take care of the state's finances. But lawmakers could not agree on a plan designed to line their own pocketbooks. On an 18-18 vote, the Senate killed a constitutional amendment scheduled for the November ballot that would have created a commission to control salaries and fringe benefits for elected state officials.

The Constitution now limits pay raises for legislators to five percent a year and requires that lawmakers vote themselves any increases. One stumbling block was a provision giving the Legislature the authority to accept or reject a pay package covering all three branches of government, the executive, legislative and judicial. The author, Senator Newton Russell, was so opposed to the ratification proposal that he withdrew his name from the measure. Senator James Mills then managed the plan, which had cleared the Assembly 74-1, and blamed lobbying by judges for its downfall.

The judges had a big stake in the measure because, under present law, they get automatic cost-of-living increases. Governor Brown has been attempting to put them on equal footing with other elected officials and state employees. "Only one thing defeated this measure," Mills said. "The judges have a sweet deal and they don't want to lose it." Lawmakers want some sweetening, and they will probably try again to put a commission plan before the voters. The earliest that can happen is June 1978. The legislators would like to have the five percent limit lifted before then.

Lawmakers tackled two other major issues before departing. The Senate rejected a bill designed to prohibit the Los Angeles city school board from using a lottery system to transfer teachers for racial-balancing purposes. The author, Senator Alan Robbins, will have a chance to work out a compromise on the bill in August when the Legislature reconvenes. The other bill, already signed by the Governor, was authored by Assemblyman Bill Lockyer and guarantees that California's 700,000 aged, blind and disabled will get the benefit of cost-of-living increases Congress voted for Social Security recipients. The $50 million package also contains a six-percent increase in benefits for the Aid to Families with Dependent Children program.

Senate (25D, 15R)	SB 1641	SB 1644	SB 1774	AB 2817	SB 1555	AB 301	SB 1321	SB 1750	SB 1672	SB 1410	SCA 33	ACA 94
Alquist (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Ayala (D)	Y	N	Y	N	Y	N	Y	N	Y	N	N	N
Behr (R)	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Beilenson (D)	Y	N	Y	*	N	*	Y	Y	Y	Y	Y	Y
Berryhill (R)	*	*	*	N	Y	*	*	N	*	*	*	*
Carpenter (R)	*	*	N	*	N	N	*	N	N	Y	Y	Y
Collier (D)	*	*	Y	N	Y	N	Y	N	N	Y	N	Y
Cusanovich (R)	Y	Y	N	N	Y	Y	N	N	Y	Y	N	Y
Deukmejian (R)	*	*	N	N	Y	Y	*	N	N	*	Y	*
Dills (D)	Y	Y	Y	N	Y	Y	N	N	N	*	N	Y
Dunlap (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foran (D)	Y	-	-	-	-	-	-	-	-	-	-	-
Garcia (D)	Y	Y	*	Y	Y	*	*	*	Y	N	Y	Y
Greene (D)	Y	N	*	Y	Y	N	N	Y	Y	Y	Y	Y
Gregorio (D)	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Grunsky (R)	*	*	Y	N	*	Y	N	N	Y	Y	N	*
Holden (D)	Y	N	Y	Y	*	*	Y	Y	*	Y	Y	N
Holmdahl (D)	N	Y	Y	Y	N	N	*	N	Y	*	Y	Y
Kennick (D)	Y	Y	Y	Y	Y	Y	*	Y	*	Y	N	Y
Marks (R)	Y	N	N	N	Y	Y	N	Y	Y	N	Y	Y
Mills (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nejedly (R)	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y
Petris (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Presley (D)	Y	N	Y	N	Y	N	Y	N	Y	N	Y	Y
Rains (D)	Y	N	N	Y	Y	Y	Y	*	Y	Y	Y	N
Richardson (R)	N	Y	N	N	N	N	N	N	N	N	N	N
Robbins (D)	*	Y	*	Y	*	Y	*	*	*	Y	*	Y
Roberti (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rodda (D)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	*
Russell (R)	Y	Y	N	N	*	N	Y	N	N	N	N	N
Schrade (R)	*	*	N	N	Y	*	*	*	N	N	Y	*
Smith (D)	Y	N	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Song (D)	Y	Y	Y	N	N	Y	Y	Y	N	N	Y	N
Stevens (R)	Y	Y	N	N	Y	Y	*	*	*	Y	N	N
Stiern (D)	Y	N	N	N	N	N	Y	Y	Y	Y	Y	Y
Stull (R)	Y	Y	N	N	N	N	N	N	N	N	N	Y
Way (R)	Y	N	N	N	N	Y	N	N	Y	Y	N	N
Wedworth (D)	N	Y	N	*	Y	Y	*	N	N	Y	Y	N
Whetmore (R)	*	*	N	N	*	Y	N	N	Y	N	N	Y
Zenovich (D)	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	*

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through the end of July. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes
N - No
*** — Absent or not voting**

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

Senate

EDUCATION

SB 1641 (Rodda) — Appropriates $272 million for the support of public schools. Conference report adopted 28-4.

SB 1644 (Robbins) — Bans use of lottery system for the transfer of teachers to achieve racial integration. Defeated 16-15 (21 votes required).

ELECTIONS

SB 1774 (Holden) — Increases signature requirements on petitions for county-formation elections. Passed 21-14.

AB 2817 (Keysor) — Provides for partial public financing of general-election campaigns. Defeated 16-20.

EMPLOYMENT

SB 1555 (Berryhill) — Gives state employees $70-a-month cost-of-living salary increase. Passed 27-7.

AB 301 (Keysor) — Provides public safety employees with a bill of rights in disciplinary proceedings. Passed 21-13.

MISCELLANEOUS

SB 1321 (Nejedly) — Places $375 million park-and-recreation bond issue on the ballot. Defeated 22-9 (27 votes required).

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SB 1750 (Behr) — Establishes state energy-conservation standards and requires demolition of buildings not meeting specified requirements. Defeated 12-21.

SB 1672 (Smith) — Requires that the state buy only those vehicles with mileage ratings of at least 20 miles-per-gallon. Passed 21-11.

SB 1410 (Beilenson) — Enacts $12.8 billion state budget. Conference report adopted 27-8.

SCA 33 (Russell) — Creates commission to establish salaries for elected state officials, including judges. Conference report rejected, 18-18.

ACA 94 (Lockyer) — Proposed constitutional amendment requiring that both houses confirm gubernatorial vacancies to fill statewide elective offices. Passed 27-7.

Assembly

EDUCATION

SB 1644 (Fobbins) — Prohibits school districts from using a lottery system for the transfer of teachers. Passed 50-15.

AB 2910 (Arnett) — Authorizes school districts and employees to bargain over teacher layoffs. Passed 44-23.

EMPLOYMENT

SB 1555 (Berryhill) — Grants state employees $70-a-month cost-of-living pay increases. Passed 62-12.

SB 1575 (Smith) — Creates state conservation corps. Passed 54-24.

MISCELLANEOUS

AB 3892 (Knox) — Consolidates departments of savings and loan, corporations and banking into new Department of Financial Institutions. Passed 41-35.

AB 2684 (Dixon) — Allows payment of individuals for the registration of voters, unless banned locally. Passed 48-27.

AB 250 (Lewis) — Creates single regional air-pollution-control agency covering Los Angeles and Orange counties and parts of Riverside and San Bernardino counties. Conference report approved 45-23.

SCA 45 (Smith) — Proposed constitutional amendment establishing a state loan program for solar-heating projects. Passed 55-19.

SCA 40 (Greene) — Proposed constitutional amendment on usury, identical to Proposition 12 rejected by voters in June. Passed 55-11.

AB 4179 (Vasconcellos) — Requires that applicants for physician's licenses complete courses in human sexuality. Passed 41-25.

SB 1373 (Mills) — Repeals requirement that the Legislature print lobbyist financial reports and requires that the data be made available to the public by the Secretary of State. Passed 56-16.

SB 1410 (Beilenson) — Enacts $12.8 billion state budget. Conference committee report adopted 60-16.

Assembly (53D, 25R)

	SB 1644	AB 2910	SB 1555	SB 1575	AB 3892	AB 2684	AB 250	SCA 45	SCA 40	AB 4179	SB 1373	SB 1410
Alatorre (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Antonovich (R)	N	Y	N	N	N	N	N	Y	N	N	N	N
Arnett (R)	N	Y	N	N	N	N	Y	Y	Y	Y	Y	Y
Badham (R)	*	Y	*	*	N	N	*	*	Y	N	*	*
Bane (D)	Y	*	Y	Y	N	Y	Y	Y	*	Y	Y	Y
Bannai (R)	Y	Y	Y	N	N	N	Y	Y	Y	N	Y	Y
Berman (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y
Beverly (R)	Y	Y	Y	N	N	N	Y	N	*	N	*	Y
Boatwright (D)	*	Y	Y	Y	Y	N	Y	Y	*	Y	N	Y
Briggs (R)	Y	Y	Y	N	Y	N	N	Y	Y	N	*	
Brown (D)	N	N	Y	Y	N	Y	Y	*	*	Y	Y	
Burke (R)	Y	*	*	N	N	N	*	Y	N	N	N	
Calvo (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
Campbell (R)	Y	Y	Y	N	N	*	N	Y	Y	Y	Y	
Carpenter (D)	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	
Chacon (D)	N	*	Y	Y	Y	*	Y	N	Y	Y	Y	
Chappie (R)	Y	Y	Y	N	N	N	Y	N	Y	N	Y	
Chel (D)	Y	N	Y	Y	Y	N	N	Y	Y	N	Y	
Chimbole (D)	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	
Cline (R)	Y	Y	N	N	N	N	N	N	N	N	N	
Collier (R)	Y	Y	N	N	N	N	N	*	N	N	Y	
Craven (R)	Y	Y	Y	N	N	Y	N	Y	N	Y	Y	
Cullen (D)	Y	N	N	Y	Y	Y	N	Y	N	Y	Y	
Davis (D)	*	N	Y	N	*	N	*	Y	N	Y	*	
Deddeh (D)	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	
Dixon (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	
Duffy (R)	Y	N	Y	N	N	N	Y	Y	Y	Y	Y	
Egeland (D)	Y	N	Y	Y	Y	Y	Y	*	Y	Y	Y	
Fazio (D)	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	
Fenton (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Foran (D)	N	Y	Y	Y	Y	Y	-	Y	Y	-	-	
Garamendi (D)	*	N	Y	N	Y	*	Y	*	*	Y	Y	
Goggin (D)	Y	Y	Y	Y	N	Y	Y	*	Y	N	Y	
Greene (D)	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	
Gualco (D)	*	*	Y	*	Y	Y	Y	N	Y	Y	Y	
Hart (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Hayden (R)	Y	N	N	N	Y	*	*	N	Y	N	Y	
Hughes (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Ingalls (D)	N	Y	N	Y	Y	N	*	N	Y	Y	Y	
Kapiloff (D)	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	
Keene (D)	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Keysor (D)	Y	*	N	Y	Y	Y	Y	Y	Y	Y	Y	
Knox (D)	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	
Lancaster (R)	Y	Y	Y	N	N	N	N	Y	N	Y	Y	
Lanterman (R)	Y	Y	N	N	N	N	*	Y	*	Y	Y	
Lewis (R)	*	Y	*	N	N	N	Y	Y	N	Y	N	
Lockyer (D)	N	*	Y	Y	Y	Y	*	N	Y	Y	Y	
MacDonald (D)	*	Y	*	Y	Y	*	Y	Y	*	Y	Y	
Maddy (R)	Y	Y	Y	N	Y	N	N	Y	Y	N	N	
McAlister (D)	Y	N	N	N	Y	Y	N	Y	N	Y	Y	
McCarthy (D)	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
McLennan (R)	Y	Y	N	N	N	N	N	Y	*	Y	N	
McVittie (D)	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N	
Meade (D)	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	
Miller (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Mobley (R)	Y	N	N	N	N	N	N	Y	Y	N	N	
Montoya (D)	Y	N	Y	Y	*	*	*	Y	*	Y	Y	
Mori (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Murphy (R)	Y	Y	N	N	Y	N	*	N	Y	N	N	
Nestande (R)	Y	N	Y	Y	N	N	N	Y	Y	N	*	
Nimmo (R)	Y	N	Y	N	N	N	Y	N	Y	N	Y	
Papan (D)	*	*	Y	Y	N	Y	Y	Y	*	Y	Y	
Perino (D)	*	N	Y	Y	N	Y	Y	Y	Y	Y	Y	
Priolo (R)	Y	Y	N	N	N	N	N	Y	Y	Y	Y	
Ralph (D)	*	Y	Y	*	Y	Y	Y	Y	*	Y	Y	
Robinson (D)	Y	Y	Y	Y	N	Y	N	N	Y	Y	N	
Rosenthal (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Sieroty (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
Suitt (D)	*	Y	Y	N	Y	Y	N	Y	Y	*	*	
Thomas, V. (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	
Thomas, W. (R)	Y	Y	Y	N	N	N	N	Y	Y	N	Y	
Thurman (D)	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y	
Torres (D)	Y	*	Y	Y	Y	*	Y	Y	Y	N	Y	
Tucker (D)	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	
Vasconcellos (D)	N	*	Y	Y	Y	Y	Y	*	Y	Y	Y	
Vicencia (D)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	
Warren (D)	Y	*	*	Y	Y	Y	Y	Y	Y	Y	Y	
Wilson (D)	Y	Y	Y	Y	Y	Y	*	Y	N	Y	*	
Wornum (D)	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Selected Government Reports

Impact ERA: Limitations and Possibilities; edited by The Equal Rights Amendment Project of the California Commission on the Status of Women; deals with the political, economic, social and psychological impact of the ERA. 287 pp. with index. Available from Les Femmes Publishing, 231 Adrian Road, Millbrae, Cal. 94030. ($4.95)

Southern California Law Review; May 1976; published by The Law Center, University of Southern California; contains six articles on various phases of the California Coastal Plan. 350 pp. Available from the center, University Park, Los Angeles 90007. ($5.50)

Organization for the Administration of the California Coastal Plan: The Prospects; by W. Torrey Sun, Ronald K. Stitch, and Earl W. Morrison of the Coastal Planning Team, Public Policy Studies, Claremont Graduate School. May 1976. 75 pp. Available from the Graduate School, Claremont Colleges, Claremont, Cal. 91711.

State Energy Management: The California Energy Resources Conservation and Development Commission; by The Council of State Governments, Lexington, Kentucky. May 1976. Examines California government's unique response to the energy crisis. 56 pp. Available as number RM-580 from the council, 85 Post St., San Francisco 94104. ($3)

Small Cities and the Community Development Act of 1974; by Edward Blakely and Martin Zone for the Institute of Governmental Affairs, U.C. Davis 95616. Describes and analyzes the responses of 31 small California cities to governmental requirements as compared to their own priorities in the use of federal grants. Available from the institute. ($3)

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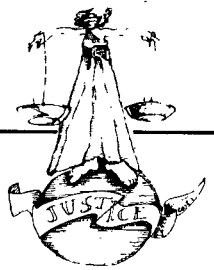

SIGNIFICANT COURT ACTIONS

The death-penalty question

Is California's capital-punishment law constitutional in the wake of the latest United States Supreme Court rulings on the death penalty?

The California law, enacted by the Legislature in 1973 following overwhelming passage of an initiative by the voters in 1972, was not before the U.S. Supreme Court. Attorney General Evelle J. Younger, who supported the initiative after the state Supreme Court found the death penalty unconstitutional in California, expressed the view that the California statute will be upheld and that the way will soon be clear for the execution of death-row inmates. The California law is similar to a Texas statute which was upheld.

Some legal scholars predicted that the California law will be held invalid. First, it is clear that the majority of the state's high court would prefer not to see the death penalty imposed in California again. Second, there is a mandatory element in the state law, and the U.S. Supreme Court declared that a capital-punishment system must allow for mitigating circumstances. This was the basis for a ruling by Superior Court Judge James Duvaras Jr. of Santa Clara County that the California law is unconstitutional. All capital-punishment cases are automatically appealed to the state Supreme Court.

Integration guidelines

The state Supreme Court unanimously upheld two trial-court rulings directing the Los Angeles and San Bernardino schools to prepare and implement desegregation plans for their districts. In *Crawford v. Los Angeles Board of Education* and *NAACP v. San Bernardino School District*, the court reaffirmed a 1963 decision holding that all districts have a constitutional obligation to eliminate both *de jure* and *de facto* segregation.

The court emphasized that school districts need not attain racial balance in each school, but must take reasonable and feasible steps to eliminate situations in which minority students are deprived of "an integrated educational experience." The decisions were written by Justice Mathew O. Tobriner.

Members of the Los Angeles Board of Education decided not to appeal the decision, partly because an appeal would run the risk of the U.S. Supreme Court imposing more harsh desegregation remedies against the district.

Among other rulings handed down by the state Supreme Court:

Juveniles — The court ruled unconstitutional a state sentencing system allowing misdemeanor offenders between 16 and 21 to be commited to the Youth Authority for a longer time than they could have received if sentenced as adults.

Belts — California motorists are not legally required to wear seat belts in their cars in order to collect damages for negligence in automobile accident cases, the court found.

Contracts — The court upheld the validity of premarital contracts between couples on the division of property should the marriage be dissolved. Such contracts do not violate public policy favoring and protecting marriage, according to the justices.

Usury — The Regents of the University of California are subject to state usury laws in the management of endowment funds, the court ruled.

NEWSMAKERS

Stand-in for Siegler

Central committee members from Napa, Solano and Sonoma Counties selected **Mike Gage,** 31-year-old administrative assistant to state Senator John Dunlap, as the Democratic nominee in the Eighth Assembly District, replacing the late **Alfred Siegler.** Gage, who defeated journalist **Wyman Riley** and businesswoman **Frances Stevenson,** will face Republican **Ron Greenslate** in November. Both parties will give this district high priority . . . . A recount in the 53rd Assembly District gave the Democratic nomination to consumer counselor **Cindy Wear** over Hawthorne Councilman **Joe Miller,** 11,609 to 11,604. Wear will face incumbent Republican **Paul Bannai.**

Congressman **Robert Leggett** of Solano County forged his wife's name to a deed in order to obtain funds to support a mistress, according to the *Washington Post.* Leggett, who is seeking reelection, represents a highly Democratic district, but Republicans will probably make him a target because of the adverse publicity . . . . California had its first woman governor on July 14th when Secretary of State **March Fong Eu** took command. Governor Brown and the next three officials in the line of succession — Lieutenant Governor **Mervyn Dymally,** Senate President pro Tempore **James Mills** and Assembly Speaker **Leo McCarthy** — were all out of state.

State Senator **Alfred H. Song** filed a $5.1 million suit against his wife Judith, accusing her of making malicious charges against him in their divorce case . . . . Former Senate President pro Tempore **Hugh M. Burns** retired from the Alcoholic Beverage Control Appeals Board, where he had served for five years . . . . State Treasurer **Jesse M. Unruh** filed for dissolution of his 29-year marriage . . . . A federal grand jury completed an investigation into the appointment of inheritance tax referees by Controller **Ken Cory** and indicated that there will be no indictments . . . . Dr. **Louis J. Cella,** a major 1974 contributor to Cory's campaign, was sentenced to five years in prison for tax evasion and conspiracy to misappropriate hospital funds.

Richard B. Spohn, a former associate of Ralph Nader, was appointed state Director of Consumer Affairs. He succeeds **Taketsugu Takei,** who was named a Santa Clara County Superior Court judge by Governor Brown . . . . **Le Roy Chatfield** returned to the Governor's staff after serving as a member of the Agricultural Labor Relations Board and as Brown's national presidential campaign organizer . . . . **Elisabeth Coleman,** former Los Angeles television reporter, was named as press secretary to Brown. In effect, she succeeds associate press secretary **David Jensen,** who resigned to join the staff of the *Sacramento Bee.*

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

Presidential potpourri

Ronald Reagan can at one and the same time be the most sensible and the most unrealistic of politicians. He returned home to California after the last Republican state convention in Utah, pleased with himself and with the comeback he had made and anxious to return to his ranch on a high ridge north of Santa Barbara. Assessing his impact on the policies of the Ford administration, Reagan spoke with precision and accuracy:

"Let's go all the way back to November and picture no contest in the Republican Party. The word 'Republican' wouldn't even have been mentioned. If there had been any mention at all, it would be the same we'd heard in 1972, only worse, and that was that the Republican humdrum convention will be the dull rubber-stamping of an incumbent. Well, here we would be duller rubber-stamping an appointed incumbent, not even someone who was elected.

"And secondly, I think a great many issues have been brought before the people that would not have been brought out at all . . . . The third thing, I believe, is that my candidacy has pushed Mr. Ford into positions he would not have taken. There is no question in my mind President Ford would have signed the common situs picketing bill. He had promised he would. His own secretary of labor resigned in protest at his veto. I think I caused that veto . . . . There are a number of things of this kind."

Reagan also reflected with insight and some regret on the failure of his own campaign managers to appreciate the value of television as a political tool. Left to his devices, Reagan would have resorted earlier to the March 31 network speech which revived his then-lagging candidacy. "It's hard to get people who are campaigners to believe that anybody will sit still for a 30-minute speech on television," Reagan said. "I kept saying to them (my staff) that I wouldn't even have been governor if people hadn't listened to a 30-minute speech in 1964."

But when the talk turned to the delegates Reagan needed to win the Republican presidential nomination, his conversation plunged into the same airy unreality whence come those delightfully unnerving statistics about the 1,540 recommendations of businessmen's task forces that were implemented in California or the Chicago woman who has been on welfare 80 times, or sometimes 54 times or 67. At the time Reagan returned from California, the President was within 40 delegates of nailing down the GOP nomination, and there were nearly 50 uncommitted delegates remaining in the pro-Ford delegations of Pennsylvania and New York. Reagan had failed to pick up any of these uncommitted Pennsylvanians on a trip to Harrisburg earlier the same week, but he seemed unable or unwilling to grasp the significance of this. "Our own people who are working with them most closely — because I don't ask them, I don't put the bite on anyone and say, 'Will you come out for me?' — seem to be pretty optimistic," Reagan said. "We don't have to get a majority."

In fact, some of his people were anything but optimistic and were hinting to reporters that the race was as good as over. Ford was so close to the nomination that Reagan needed many more than a majority of the uncommitteds. Had Reagan been deluded by his own delegate counters? Or was he content to go home to his Santa Barbara ranch after having made his point and established his influence? Reagan's national spokesmen were "outraged" when this reporter reached the conclusion in *The Washington Post* that Reagan had resigned himself to defeat. But they were unable to produce the delegates which the former governor needed to claim victory.

* * *

Secretary of the Interior Thomas Kleppe set a new style of surrogacy during the Montana Republican Convention when he wove this passage into his speech: "There have been reports that the President is not particularly agile, that he stumbles and falls. . . . . Don't pay too much attention to them."

And discount those reports that Lyndon Johnson was a wheeler-dealer or that you wouldn't buy a used car from Richard Nixon.

* * *

The Joe Smith Award for Obscure Acts of Political Courage goes this year to Carl Williams, the Republican state chairman in Colorado and the man who gaveled down Reagan after his speech to the state GOP convention there ran nearly three times as long as the 10-minute time limit. Williams was ordering the convention sound man to cut off the public address system when Reagan finished.

Reagan flew off assuming that Williams' action was a tactic of the Ford people, who were outnumbered at the Colorado convention. In fact, the President's representatives at Ft. Collins were annoyed with Williams, correctly believing that this action was likely to infuriate the Reaganites. But his interruption of the speech was no tactic. Williams just believed that the rules should apply to everyone, even Ronald Reagan. In appreciation, Adam Clymer of *The Baltimore Sun* presented Williams with a thermometer which at the time registered 96 degrees.

* * *

White House Press Secretary Ron Nessen sent President Ford a copy of a Kiplinger letter of October 1948 describing "What Dewey Would Do" and containing helpful thumbnail sketches of Thomas Dewey's cabinet and Vice President Earl Warren. Ford sent the copy back to Nessen with the scribbled note: "Well, what did they say in the next issue?"

* * *

By now, as everyone knows, New York City has proved that it knows how to run a convention even if the city can't balance its books. This reporter, as taken with the New York performance as anyone, had the unprecedented experience of being told by a cop, "Have a nice day, sir." Which prompted *San Francisco Chronicle* columnist Art Hoppe to remark, "You should have told him he was under arrest for impersonating a peace officer."

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The new edition of the *California Government and Politics Annual*, edited primarily for classroom use, will be available the end of August.

Extensively revised, this seventh edition will provide expanded coverage of major issues in California today and will contain a new section on the growth of "commission" government. Most of the articles are drawn from the past year's issues of the *California Journal*. The book includes a 16-page "Practical Guide to California Government and Politics." The *Annual* offers by far the most current information on California government and politics for ready reference and classroom use.

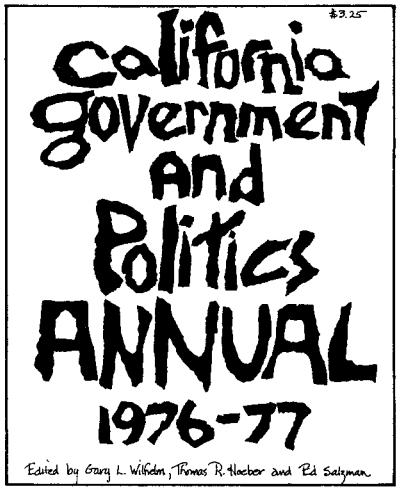
The price of the *Annual* is $3.45 a copy, including sales tax. Advance orders are now being accepted by the *California Journal*.

(Copies also will be available through college bookstores, which may obtain them at 20-percent discount.)

Something Old
(the 1976 ALMANAC)

Something New
(the 1976-77 ANNUAL)

Something Borrowed
(material in the ANNUAL)



Something Blue
(the CALIFORNIA JOURNAL, of course)

May we also recommend something not very old, the *California Journal Almanac of State Government and Politics*, and something blue, gift subscriptions to the *California Journal*?
The Almanac is a basic reference book that has become a must for every office, library and desk of anyone interested in state government and politics. Price: $3.13 a copy, including sales tax.

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The biggest corruption in politics . . . is not money. It's publicity.

— Hubert H. Humphrey

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